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Senate

MORNING BUSINESS

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators being permitted to speak therein for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEAPORT SECURITY

Mr. GRAHAM. Mr. President, this evening I rise to discuss one of the most serious issues as America prepares to defend itself against terrorism, and that is the vulnerability which is represented by our 361 seaports and the thousands of cargo containers which each day flow through those seaports to all America.

On December 20, 2001, over 5 months ago, the Senate unanimously passed a comprehensive seaport security bill. This came after a 2-year effort by Senators Hollings and McCain and myself. Despite the new security threats that served as the catalyst for passage of this bill last December, I am concerned that as of this evening the House has yet to pass companion legislation.

While we await House of Representatives action, there have been published reports that 25 Islamic extremists, since March, have stowed away in cargo containers and entered this country. Those entries were gained in, as reported, four U.S. ports: Long Beach, CA, Savannah, GA, and Miami and Fort Lauderdale, FL. These extremists, in some instances, disguised themselves as stevedores and disembarked into the communities on which those ships had called.

I consider these reports to be credible. I see this as one of the most recent and disturbing examples of the vulnerabilities that exist at our Nation's seaports.

September 11 was a tragic, horrific day. As a result, we restructured our aviation security to prevent another attack. We still have the opportunity to be responsible and to protect our seaports before they are attacked. Thus far, we have failed to do so.

Today, the U.S. Customs Service agents inspect less than 3 percent of the 16,000 cargo containers that arrive on U.S. shores from nations which are not contiguous with the United States every day. If the bill passed by the Senate had been signed into law and implemented before these 25 so described extremists attempted to enter this country in a cargo container, we might have seen a different outcome.

Under our legislation, advanced reporting requirements would help Customs electronically receive vital information on ships before they arrived at a U.S. port. This means that information on ships and contents, passengers, and crew members who were suspect could be reviewed before the ship arrived.

With new funding of over $700 million, local ports would be able to upgrade security infrastructure. The Customs Service would have more inspectors and agents, as well as new screening and detection equipment. This would fortify our frontline defense against those who would attempt to breach our shores. Ports would be better prepared for a security breach because they would be required to have a comprehensive security plan that would meet minimum security guidelines.

Currently, we have no Federal security guidelines or security requirements. A new maritime security force would have been established under the legislation which the Senate passed over 5 months ago. This effort would bring together those trained in antiterrorism, drug interdiction, navigation assistance, and facilitating responses to security threats.

Keeping our Nation's seaports secure is an important job not just for Americans who live in one of the communities served by our 361 commercial ports but everywhere in between. Citizens who live inland are as vulnerable to security breaches as those who live near seaports. Containers from ships being transferred to railway cars and long-haul trucks that travel throughout cities and towns represent the potential shell which would surround a weapon of mass destruction. A container is filled allegedly with legitimate cargo at a distant site. There might be contained in that legitimate cargo a biological, a chemical or, God forbid, a nuclear device.

That device would then be connected to a global positioning device which would allow for constant monitoring of where that specific container was located. That weapon of mass destruction would also be equipped with a standoff detonation capability so when the global positioning device indicated that the container was at the most dangerous place where the greatest damage would be done to our country, it could be ignited.

While we cannot expect to screen every marine container entering into the United States, we need to provide some expectation of inspection, and some level of deterrence, to dissuade smugglers from using a very efficient U.S. intermodal system.

I am encouraged by the news today that Congressman DON YOUNG of Alaska and other concerned members of the House of Representatives have agreed that seaport security legislation will be on the House agenda after the Memorial Day recess.

I urge the House to not only expeditiously enact this legislation, but work with me and my colleagues in the Senate to expedite the conference committee to resolve any differences that may exist, and quickly send it to the President, who is anxious to sign this into law.

By working rapidly, we can provide greater security for our citizens at America's open front door—our nation's seaports.

The PRESIDING OFFICER. The Senator from Georgia.

PRESCRIPTION DRUGS

Mr. MILLER. Mr. President, I know the hour is late and the day has been long and the staff and the pages and the Presiding Officer are tired. And so is this Senator. But I would like to take about 7 or 8 minutes to talk about a subject that is very dear to my heart.

Mr. President, ''Honor thy father and thy mother'' is the fifth of God's holy commandments.

For many of us—especially at my age—we can no longer do that (except in memory). We had our chance, and now they are gone. I never knew my father, and my mother died in 1986 when she was 93.

For those of us who have lost parents, we will be forever burdened by the haunting question: Did we adequately fulfill that commandment or could we have done more?

And, if one has a heart instead of a stone, we look around and see other living mothers and fathers whom it is not too late to still honor. I know I do.

And that is why I rise again—as I will do ad nauseum until something is done—to plead for action on prescription drugs before the August recess.

We must attack this problem by addressing both sides of the equation—prescription drug coverage and prescription drug cost.

We cannot truly help our senors unless we increase the coverage and lower the cost. Coverage and cost.

I am a cosponsor of three bills that would do both those things.

First, Senator BOB GRAHAM of Florida and I have introduced a bill that would increase coverage by adding an affordable prescription drug benefit to Medicare.

For our neediest seniors, those who earn less than $11,900 a year, our bill would cover 100 percent of their prescription drug costs. They would pay no premiums, and Medicare would pick up the entire cost of their prescriptions.

About a third of our Medicare beneficiaries fall into this category. That's roughly 12 million seniors.

those who earn more than $11,900 would pay premiums of $25 a month or less, depending on their income. And they would pay an affordable share of the cost of each prescription.

No senior would have to spend more than $4,000 a year out of their own pocket. Right now, about 3 million seniors are spending more than $4,000 a year out of their own pocket on prescriptions.

The two other bills of which I am a co-sponsor deal directly with the cost of prescription drugs. We must bring the cost of these drugs down. A miracle drug can't work miracles if no one can afford it.

As many of you know—and as most of the seniors in this country know—you can buy the same drug in the same bottle for a much cheaper price in Canada and other countries than you can in the U.S.

In Canada, you can buy Tamoxifen, the drug for breast cancer, for one-tenth what it costs in the U.S. Celebrex, which is used for arthritis, costs 79 cents a tablet in Canada, but $2.20 a tablet in the U.S. Those are two of many examples.

A bipartisan group of senators has introduced a bill to let drug stores and medical distributors buy U.S.-made drugs in Canada—where they are sold much more cheaply—and then resell them here in the U.S.

If our seniors could buy their drugs at the lower Canadian prices, they could save an estimated $38 billion a year.

Our seniors should be able to get their medications at the best price possible, and they shouldn't have to ride a bus to Canada to do it.

The other bill I am co-sponsoring that would help bring down the cost of prescription drugs is the Fair Advertising and Increased Research Act of 2002.

We have all seen the endless stream of ads on TV about the latest wonder drugs for high cholesterol of arthritis or cancer.

I have visions of that purple pill that keeps spinning into my living room and bedroom whenever the TV is on. You can't escape it.

You can't escape these ads. They are everywhere. We are drowning in them. And the millions of dollars the drug companies are spending on them is sending the price of prescriptions through the roof.

Our bill doesn't ban this TV advertising, but it does say to the drug companies: Spend as much on research as you do on advertising.

Our bill would limit the tax deduction a drug company can take for advertising expenses to no more than the amount they deduct for research and development costs.

Americans today are being forced to subsidize prescription drug advertising both when they pay their taxes and again when they go to the pharmacy to buy their prescriptions. That's not right, and our FAIR Act would help stop it.

We must do something soon. If I were to stay in the Senate as long as Senator THURMOND, I don't believe I would ever figure out how this wonderful place works.

I have come to accept that, just as I came to accept that the intricacies of cricket and even hockey escape me.

But I have known the infield fly rule since I was 12. And I also know what the men and women my age and a little older in middle America are saying and thinking.

What's that Latin phrase—the vox populi? Well, the vox populi of this nation's elderly are discouraged and displeased.

But they are not disorganized, and they are definitely not disenfranchised.

And if we don't show them some results instead of rhetoric pretty soon, they are going to come after us with their pitchforks and their pill cutters * * * and something we in here fear even more: Their ballots. And who could blame them?

In 2000, both parties said prescription drugs was at the top of the list, at the front of the line. Our seniors have been waiting in line for a long time. Waiting as we debated many other worthwhile issues. Waiting, as we keep smiling at them, telling them: Now, be patient; you are next.

Do you know what makes people madder than anything? Making them wait in line for a long time and then, when they think they are just about to go to the front of that line, someone cuts in front of them. That is what we have been doing to our senior citizens. Every time we take up a new issue, no matter how good it is, every time we take up a new issue other than prescription drugs, we are bumping our seniors from the front of the line that they have been waiting in for years.

We cannot throw this issue into another election cycle. They will not stand for it. We cannot keep our seniors waiting in line through another election.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE OMNIBUS TRADE BILL

Mr. DODD. Mr. President, I want to first of all apologize to the Presiding Officer and others for taking a few extra minutes in what has been a long day and evening for all of us here. But I wanted to take a few minutes to close business in the Senate today and express my views on the final passage of H.R. 3009, the Trade Promotion Authority bill.

My friend and colleague, the Presiding Officer, will appreciate the reasons when I get through with these remarks. I normally submit my statement and have it included in the RECORD. But I wanted to take a few minutes and express my thoughts publicly.

I rise this evening to talk about the omnibus trade bill the Senate just voted in favor of on final passage.

The bill which was before us granted the President with what is called fast-track trade authority. The bill we just voted on has a fundamental flaw, in my view. Unfortunately, it lacks the minimum protections of environmental labor standards by countries that seek enhanced trade relationships with the United States. Senate passage of this bill will signal reverse progress made

over the past decade to ensure that free trade does not come at the expense of American workers and American principles.

Let me also quickly add that this is the first trade agreement, with the exception of one 14 years ago, I ever voted against. I am a strong supporter of trade agreements. I had hoped very sincerely to vote for this one because I believe it is critical to portray the well-being of our own Nation for the promotion of democracy and enhancement of economic opportunities for others around the globe. I tried as hard as I could to find my way to vote for this particular bill, but I just could not at the end of the day.

Fast-track authority, as we all know, eases the way for American Presidents to be able to negotiate international trade agreements by limiting congressional approval with just an up-or-down vote, and with no amendments on trade accords that come before the U.S. Congress. This makes it much easier for Presidents to be able to negotiate agreements, and then let the Congress just have one vote—yes or no.

I have understood the value of that in times past. But that value and that agreement to allow Presidents, regardless of party, to be able to do that, has always been contingent on certain objectives that an American President and his negotiating team would have to pursue which we felt strongly about as a people, and very much wanted to see as part of any negotiations not just for our own citizenry but values and principles which we believe are inherent in the right of all people endowed by their creator with those rights.

Unfortunately, as a result of what happened here over the past number of days, I think we took a step backwards and not forwards in the evolving process of objectives of a free, open and democratic society that tries to enhance those common values for others with whom we negotiate.

Although Congress has continuously granted Presidential fast-track authority between 1974 and 1994, it has refused to renew that authority since then. The reason for this change of heart was simple: There were many in Congress who believed that a policy of unfettered trade with countries with weak or nonexistent labor standards, environmental standards, and the like were putting U.S. companies at a competitive disadvantage—costing American workers hundreds of thousands of jobs and pressuring the United States to lower our own workers' health and safety standards. Instead of lowering our standards, our trading partners should be raising theirs.

President Bush contends that America has missed out on portrayed opportunities due to the lack of fast-track authority. I contend quite the opposite is true.

Since 1994, the United States has become a party to nearly 200 trade agreements with countries in the Caribbean Basin, which I strongly supported; the Sub-Saharan-African agreements; Southeast Asia; the Middle East; and elsewhere in the world. Far from hampering free trade, Congress's role in helping to craft the final language of trade agreements over the past 8 years developed new international norms and protected people's rights across the globe with whom we have entered into those agreements.

The most recent of these agreements—and the one which I had hoped would become the basis—in fact, Bob Zoellick, who is the chief trade negotiator, mentioned back some months ago that he wanted to use the United States-Jordan Free Trade Agreement as the model for this fast-track authority. All of us here unanimously voted for the United States-Jordan Free Trade Agreement.

I can't tell you how enthused I was when Bob Zoellick made those remarks. I thought this administration understood the evolutionary process of trade agreements.

The Jordan-United States Free Trade Agreement was, in my view, the best free trade agreement we had negotiated, and should have been the standard by which all future trade agreements would be judged. But unlike previous trade agreements, such as the North American Free Trade Agreement—which I strongly supported, along with the Presiding Officer; and the Jordan FTA—the Jordan FTA actually includes provisions safeguarding minimum labor standards in the main text of the agreement, and it permits sanctions should our trade partner fail to comply with their own labor laws in order to gain an advantage over us in trade.

The Jordan Free Trade Agreement passed 100 to zero in this body. It was unanimously supported by every single Member only a few months ago.

With Congress poised to renew Presidential fast-track authority, it is now, it seems to me, more important than ever that the President's freedom to negotiate free trade agreements operate within a framework that upholds universally recognized labor standards. Because the Jordan language provides such a framework, there was a great deal of optimism—myself included—that the Jordan standards would be strongly included in the legislation renewing fast-track authority. That was the evolutionary process.

However, the fast track bill that passed the House and the one that just passed this body does not include Jordan standards, and the Senate version, although going a little further, also fails to obtain the Jordan language. An amendment that I offered requiring new fast-track authority to be in parity with the Jordan standards was voted down by a vote of 52 to 46.

That would mean that the fast track bill that goes to the President now will not prevent our trading partners from violating domestic labor laws in their own country to gain a competitive advantage over American workers and businesses, which was one of the major provisions of the Jordan FTA. Nor, as it is currently drafted, does the trade bill require countries with whom we trade to strive—to strive; that is all it is as an objective—to meet the standards of the International Labor Organization's declaration of workers' rights.

There are 27 pages of negotiating objectives covering every imaginable issue that the Finance Committee saw in its wisdom to include, such items involving insurance, and e-commerce, technology, and the like. None of those objectives are absolutely required to be in every agreement. We merely state that trading negotiators should have them as their objectives to try and pursue during those negotiations.

I found it rather stunning that the members of this Senate with the support of the administration could not agree to take the exact language out of an agreement that had passed 100 to zero, in the year 2001, and include it as part of the objectives of the fast-track authority dealing with labor rights. To not do this was a major setback, and it raises too many concerns in my own mind about whether or not this administration or successor administrations would pursue those values and ideals which we have so strongly made a part of our own society and pursued as trying to be included in the rights of others around the globe, that I felt I had no other choice, at the end, but to vote against this bill.

Since neither the House bill nor the Senate bill includes the Jordan labor standards or something comparable, the President may not be in a position to prevent our trading partners from violating domestic laws in their own country to gain a competitive advantage over American workers and businesses. Nor, as it is currently drafted, does the bill require countries with whom we trade, as I said, to strive to meet the standards of the ILO. This means our trading partners may fail to prohibit child labor or forced labor if no such domestic laws exist.

That was part of the language in the Jordan Free Trade Agreement that is missing from this bill: abolish child labor, eliminate discrimination—these are basic labor rights. To be turned away, after we already agreed to an agreement back only some months ago in the Jordan Free Trade Agreement, I found rather remarkable; that is, that we would not accept those as negotiating objectives—not requirements, but objectives—in the 27 pages that included everything else you could possibly imagine. But abolish child labor, eliminate discrimination, again these are basic rights.

I saw that as a step backwards. We have entered the 21st century, we ought to try to pursue at least those rights and raise them with people who want access to our markets, I found that terribly disheartening.

Instead of including provisions to protect not only hardworking Americans but hardworking people around

the globe, and improve conditions with nations who want access to our markets, the Senate, in my view, seems to be content to continue increasing the amount of trade adjustment assistance paid to hundreds of thousands of American workers who lost jobs due to trade agreements with countries that disregard their workers' rights. While this assistance is desperately needed by working families hardest hit by trade agreements, it is not a long-term solution, and it certainly is not a trade policy.

I am all for providing trade adjustment assistance. But it almost seems like raising a white flag in many ways in terms of what happens in our own country, so that all I can do is go back home to my own constituency and say: Don't worry; if you lose your job, I am going to see to it you get some assistance in the process.

I am glad we are doing it, but in a way it is an abdication, in my view, of what we ought to be doing when it comes to workers' rights here and workers' rights around the globe.

As I said a while ago, I have long supported efforts to promote free trade for the simple reasons that trade opens markets for American goods and services, and trade allows us to compete globally, which is generally good for American businesses and workers.

Over the years, I have supported virtually every one of these agreements. So I am saddened, as I stand here this evening, that I was compelled, as a result of what was excluded from this bill, to vote against this trade promotion authority.

But I feel very strongly that in order for trade to be a vehicle for improving the lives of men and women in this country—for it truly to be a ''rising tide that lifts all boats''—trade agreements must uphold international standards that the United States has long supported in the areas of labor and the environment. I remain unconvinced that the Bush administration is committed to including such standards, absent Congressional action in these areas. That is why I voted against the renewal of Presidential fast-track authority, despite my support for similar authority in the past.

I do not dispute that there are many important provisions in this bill. I have strongly supported the renewal of the Andean Trade Preference Act, which, again, I know the Presiding Officer has fought for very, very hard over the years. He and I have spent a lot of time talking about how to move that forward. It saddens me deeply that I am thrown into the position, because of what happened here, to have a vote cast against an agreement that I think is extremely important. But I am quite confident had the Andean Trade Preference Act been a freestanding proposal here, an overwhelming majority of Members would have supported it, and that act would have become law in its own right.

That act, of course, expired last December because Congress failed the act. I wish we had done the Andean Trade Agreement as a freestanding bill because it has broad-based support that would benefit both the United States and the Andean nations who are participants in the agreement.

My vote against the underlying bill should not be interpreted as any opposition, whatsoever, to the Andean agreement. I will speak separately about that agreement. In fact, I have added some remarks for the RECORD to be printed prior to the adoption of the bill this evening specifically talking about the Andean Trade Agreement.

Were the Andean agreement the only issue we were being asked to vote on today, my decision with respect to how to vote would be an easy one. I would have voted overwhelmingly, strongly for that bill.

Unfortunately, there is a lot more in this bill than the renewal and expansion of ATPA. There are also a number of important provisions that have been excluded from the bill. I believe that the adoption of the Dayton-Craig amendment allays some concerns that I had; namely, that the Bush administration was prepared to jettison U.S. trade laws designed to protect U.S. companies and workers against unfair trade competition. I believe that the Senate has put the administration on notice that this is unacceptable. And it remains to be seen what will happen to this provision during conference.

The Senate began consideration of trade legislation on April 29, and there have been more than 18 rollcall votes on amendments offered by myself and other colleagues of ours in this Chamber. Many of these amendments were crafted in order to ensure that there are sufficient safeguards to ensure that working men and women in our own country will not be adversely affected by future trade agreements.

By and large, the Republican Members of this body have voted in lockstep against these amendments, regardless of their merits. I think that strategy was extremely unwise because it sends the wrong signal to U.S. negotiators and to foreign governments with whom we will be shortly entering into negotiations.

The bill's provisions related to negotiating objectives with respect to labor and environmental matters, human rights, and the like, are inadequate, in my view.

I would like to think we have finally reached common ground with respect to the importance of including enforceable labor and environmental provisions in trade agreements. Trade agreements can no longer just be about investments, tariffs and duties. Trade agreements must also include provisions that ensure that the environment and workers' rights will also be protected. I see no reason we should not want to take steps to make sure that such trade agreements include language which would encourage countries to improve their labor laws so that someday we will see child labor abolished and discrimination eliminated.

Unfortunately, last week this body took a step back from the progress we made in the latter part of the 20th century, when it comes to trade agreements, when the two workers' rights amendments that both Senator LIEBERMAN and I introduced were tabled. My amendment simply attempted to carry forward protections that have already been approved overwhelmingly in this body in the context of the United States-Jordan agreement.

This was not some killer amendment. It was merely commonsense language already adopted unanimously by this body. The managers of this bill have mistakenly been saying that the bill follows the labor conditions contained in the Jordan agreement. My amendment would have made sure that these basic labor rights we have already approved once were fully incorporated into this bill.

The few Jordan standards that are in the bill have been made meaningless by the rejection of Senator LIEBERMAN's amendment which would have deleted four lines from the bill that were added by Senator GRAMM of Texas. The Gramm language states that a party has the right to establish its own domestic labor standards and levels of environmental protection regardless of how these domestic laws may deviate from accepted international norms in these areas. That is the language of the bill now.

If the Gramm language is retained in conference, as I suspect it will be, other countries can weaken their labor and environmental laws to gain a competitive advantage, and we will have no recourse against such actions. That is clearly contrary to the interests of the United States of America.

I believe it is unwise that this bill has moved forward without language that would have ensured enforcement of worker rights and environmental protection in future fast-track trade agreements.

I believe strongly that by not including these amendments, the Senate has reversed the bipartisan progress we made only a few months ago when we passed the United States-Jordan Free Trade Agreement. I believe the managers of the bill will regret that they have not been more forceful in their directions to the Bush administration and successor administrations because it has shown little or no sensitivity with respect to these matters. The managers may have been able to get this legislation passed, as they have, but I will predict that if the administration ignores concerns expressed by myself and others on these subjects, they will find it extremely difficult to get congressional approval for future agreements that are concluded pursuant to the authority in this bill.

I have no doubt that this legislation is going to survive the House-Senate conference and will shortly become law. It will then fall to the administration to build minimum labor standards into future trade agreements. It will be

up to Congress to vote down agreements that fail to ensure that our trading partners respect and uphold workers' rights. The continued growth of international trade will only benefit workers in America and around the globe if increased trade goes hand in hand with respect for labor rights, protection of the environment, and a shared commitment to making the lives of working people around the globe better.

I hope the administration takes note of this free traders vote today. They didn't need it. It wasn't necessary. The bill passed overwhelmingly. But I know there are many who voted for this legislation who did so with a great concern considering the progress we have made over these past number of years; then to have as an underlying agreement a major step backwards from the achievements we have accomplished as a Congress. I believe if the administration fails to do what it ought to do, it is likely to find more Members of this body who have been traditionally free traders walking away from future agreements that could enhance the opportunity for people in this country and elsewhere around the globe.

I apologize to the Chair and members of the staff who have to listen to these remarks at this late hour. I wanted to be on record publicly about a vote I cast, I regret I had to cast, given a long, strong record of supporting trade agreements over the years. This bill has gone in the wrong direction. I could not in good conscience lend my name to a proposal I think will cause serious problems in the years ahead.

With that, I yield the floor.

RETIREMENT OF LARRY J. HOAG

Mr. LEVIN. Mr. President, I am really pleased to come to the floor of the United States Senate today to recognize the long Federal service of Larry J. Hoag, the Senate Armed Services Committee's Printing and Documents Clerk.

For the past 40 years, Larry Hoag has remained true to his chosen vocation, the time-honored art of printing. A native of Easton, PA, he spent the first dozen of his professional years working as a printer in private industry. We are indeed fortunate that in 1974 Larry decided to enter public service and joined the Government Printing Office as a printer/proofreader. Twelve years later, because of his experience and expertise, Larry Hoag was detailed to the House Committee on Armed Services. After about 10 years on the House side, in 1995 he was detailed to the Senate Armed Services Committee staff by then-Chairman STROM THURMOND. In just under a year, Chairman THURMOND asked Larry Hoag to leave the Government Printing Office and join the staff of the Committee. On June 3, 1996, he became the Printing and Documents Clerk for the Committee on Armed Services.

The job of Printing and Documents Clerk for our committee is particularly demanding and challenging. Given our committee's broad jurisdiction, we have a large number of oversight hearings. Traditionally, our committee has always taken great pride in the publishing and preservation of our hearings and reports. We recognize the historical importance that these documents have for the Senate and our Nation. In addition, we want the public to know as much as possible about the work of our committee. Throughout his time with our committee, Larry Hoag made important contributions to that effort.

For over 28 years, Larry Hoag has served his country as a professional printer. In closing, I first want to thank Larry for his dedicated service to the Nation and to the staff of the Armed Services Committee. I also want to thank his wife, Norma, for her sacrifices and support to Larry during his long and distinguished career. All of us on the Committee are sorry to see Larry leave, but we wish him and Norma all the best in the future and hope that he will always stay in touch with his many friends in the Senate.

Mr. WARNER. Mr. President, I rise today to recognize and bid farewell to Larry J. Hoag, upon his retirement as the Printing and Documents Clerk for the Senate Armed Services Committee.

A native of Easton, PA, Larry began his career in printing as an apprentice with the Mack Printing Company in Easton in 1962. In 1974, Larry came to Washington, DC to work for the Government Printing Office, GPO, and later, as a GPO detailee, was assigned to the House Armed Services Committee, where he served for 10 years.

Larry wisely moved to the Senate side of the Capitol on June 3, 1966, when he was appointed to the Senate Armed Services Committee staff by then Chairman STROM THURMOND. When I became Chairman of the Committee in January of 1999, it was an easy decision to ask Larry to remain a vital part of the Armed Services family. Larry has continued his distinguished service under our current chairman, Senator CARL LEVIN.

Larry's experience has been instrumental in the publication of hundreds of hearing transcripts, committee prints, and reports. He has also served as liaison between the committee and GPO, to assure that the committee's printing needs were given the highest priority when we were under tight deadlines. Larry also helped in preparing the binding of committee prints and reports, in maintaining stationery and paper supplies, and in responding to numerous and varied requests for committee publications.

Larry and his wife, Norma will now begin a ''second career'' as they move to Myrtle Beach, South Carolina where Larry may try his hand in real estate. On behalf of my colleagues and the committee staff, I wish you and your family good health and best wishes in your retirement.

REMEMBERING GRACIA AND MARTIN BURNHAM ON MEMORIAL DAY 2002

Mrs. LINCOLN. Mr. President, for millions of Americans, this Memorial Day will be a day of reflection and remembrance with family and friends in honor of the brave men and women in uniform who have sacrificed to defend our freedom. Sadly, for Gracia and Martin, May 27, 2002 will mark the 1-year anniversary of the day they were taken hostage in the Phillippines by a band of brutal terrorists.

For the benefit of my colleagues who are not familiar with the Burnham's plight, I will briefly recount their tragic tale. Martin and Gracia Burnham of Wichita, Kansas, are missionaries for New Tribes Mission, a U.S. based organization that builds churches among tribal people who currently have no access to the gospel. Martin and Gracia have lived in the Philippines since they joined New Tribes in 1986. Martin worked as a mission pilot, transporting medical supplies, passengers and mail around the island nation. Gracia worked as an educator and cared for their three children—Jeff, Mindy and Zack.

On May 27, 2001, Martin and Gracia were celebrating their 18th Wedding anniversary at a resort area in the Phillippines when they and 18 other guests were taken hostage by a Muslim extremist group known as Abu Sayyaf. Since that time, 15 of the original hostages have been freed or allowed to escape. Three others, including California resident Guillermo Sobero, have been killed. Today, the Burnhams and Ediborah Yap, a Filipino nurse, are the only hostages that remain in captivity.

Since their captors are being pursued by Philippine authorities, the Burnhams live on the run in jungle camps and struggle to survive on a poor and unpredictable diet. To avoid detection, they endure long marches over rough terrain and frantic escapes from gun battles between their captors and government soldiers.

I have taken a special interest in this case because Gracia Burnhams parents, Betty Jo and Norvin Jones, live in Cherokee Village, Arkansas. Understandably, Mr. and Mrs. Jones are very worried about their daughter and son-in-law's physical health and safety. Both Martin and Gracia have lost considerable weight. During the most recent film footage of the Burnhams taken last November, they both looked pale, undernourished and weak. Even more troubling are unconfirmed reports this week that Martin's health has deteriorated so badly that he must be transported on a stretcher.

Unfortunately, it has been several months since we have heard from or seen footage of Martin or Gracia. The most recent proof of life came in letters from Martin and Gracia sent in January. Even though there have been signals in recent months that an agreement to release Gracia and Martin was close at hand, the leader of Abu Sayyaf

recently indicated they are no longer interested in negotiating for their freedom.

It is important to note, that Abu Sayyaf is a Muslim-separatist organization with admitted ties to al-Qaida and Osama bin Laden. Their goal is to establish an independent homeland under Islamic rule in the southern Philippines. Unfortunately, Abu Sayyaf has used kidnaping before to further their cause. In 2000, the group reportedly received millions in ransom in exchange for the release of 21 tourists kidnaped in Malaysia.

The U.S. Government has responded to this tragedy by sending a sizeable contingent of U.S. troops to the Phillippines to help train Philippine soldiers who are pursuing the Abu Sayyaf rebels. In fact, the Philippine deployment is the second-largest military operation in the U.S. war on terrorism. Unfortunately, U.S. soldiers who are well trained in hostage rescue missions have not been permitted to actively pursue Martin and Gracia's captors to win their release.

Today, I want to thank the Philippine government for its cooperation in the war on terrorism and their efforts to free the Burnhams. However, I believe more can be done and so I call on Philippine authorities to make every possible effort to free Martin and Gracia from their brutal captivity, including allowing US troops to actively participate in their rescue. I also call on our own government to increase pressure on Philippine authorities to help us achieve our common goals in the fight against terrorism. I fear that time may be running out for Martin and Gracia and we shouldn't let the 1-year anniversary of their capture pass by without renewing our efforts to use every tool we have available to save their lives.

So, as we pause on Monday to honor members of the Armed Forces who gave their lives in defense of freedom—including 10 American servicemen who died in a helicopter crash in the Philippines in February—we should take great pride in our Nation and its commitment to preserve peace and security at home and abroad. We should also be aware that the plight of the Burnham's is a sad reminder that our fight for freedom continues today. I can think of no greater tribute to honor our brave soldiers who made the ultimate sacrifice, than winning freedom for Martin and Gracia Burnham and defeating their captors who seek to destroy the values we cherish as Americans.

EAST TIMOR

Mr. KENNEDY. Mr. President, this week, East Timor became the first new nation of the 21st century.

This breathtaking milestone is the culmination of a long and violent road to independence for the East Timorese people. Portugal ruled East Timor for over 400 years before pulling out in August 1975. East Timor was independent for just four months before it was invaded by Indonesia in December that year. The U.N. General Assembly and Security Council strongly condemned the invasion and never recognized Indonesian sovereignty over East Timor.

After two decades of unrest, former Indonesian President B.J. Habibie finally agreed to a referendum in January 1999. In August that year, the people of East Timor voted overwhelmingly in favor of independence from Indonesia, and they did so at great personal risk. Before, during, and after the vote, the Indonesian military and anti-independence militia groups killed more than a thousand people and displaced thousands more, hoping to intimidate the independence movement.

Although the militias succeeded in destroying seventy percent of East Timor's infrastructure, they failed to derail East Timor's desire for freedom. Ninety-eight percent of the Timorese population turned out to vote on Election Day. The people of East Timor subsequently elected a Constitutional Assembly and, on April 14, 2002, they elected Xanana Gusmao as their first President.

As East Timor at long last takes its rightful place in the international family of nations, it is a time of great hopes. But it is also a time of great challenges. East Timor is rebuilding itself from ashes following 24 years of Indonesian rule, and her people have substantial economic needs. According to the United Nations Development Program, East Timor is the poorest country in Asia and one of the 20 poorest nations in the world. Almost half of East Timor's population lives on less than 55 cents a day and nearly 60 percent are illiterate. The unemployment rate is 80 percent.

The most pressing needs are the problems of poverty and economic growth and the building of solid democratic institutions that can deal with the challenges East Timor will face. Our country must show the East Timorese that we will support the efforts of the world's newest democracy. It is a unique opportunity to do it correctly from the start.

America's embassy in Dili is up and running, but it is being run by a Charge d'Affairs. To show maximum support and ensure that our commitment to assisting East Timor is strong, an Ambassador to East Timor should be nominated immediately.

The Peace Corps Director is already based in Dili, and the first group of volunteers should be in East Timor in June. To ensure that the Peace Corps will succeed in providing appropriate health and education assistance, we must ensure that the Peace Corps in East Timor receive the financial resources it needs.

Our Nation can also assist East Timor on the road to economic development by promoting trade in promising industries. The administration should introduce the tools and programs to facilitate trade and investment in East Timor—such as the Generalized System of Preferences—soon.

East Timor is also developing its armed forces. Australia and Portugal are leading the effort in providing training for the new military. The U.S. and other regional countries are providing some technical assistance. To help professionalize the army and promote human rights, the United States should provide excess defense materials and international military education and training. Additionally, America should keep our peacekeepers in the international force in East Timor until the UN determines that its mission is complete. The U.S. should also maintain the humanitarian assistance through the U.S. Group in East Timor, USGET, with regularly scheduled ship visits that have played a vital role in rebuilding schools and orphanages and providing basic health care.

Finally, the United States must reiterate its interest in ensuring that members of the Indonesian military are held accountable for the 1999 atrocities in East Timor. The East Timorese need to know not only that their concerns have been heard, but also that the United States is committed to upholding high standards of democracy and justice.

The people of East Timor have chosen democracy. This is an important opportunity for the United States to ensure that the East Timorese people are part of one of the world's great success stories. We have seen the risks of failed states in places like Afghanistan and Somalia. Failure in East Timor cannot be an option.

STEENS MOUNTAIN RUNNING CAMP

Mr. SMITH of Oregon. Mr. President, in the 106th Congress, we were the sponsors of the Steens Mountain Cooperative Management and Protection Act of 2000, a landmark piece of legislation to enhance the protection of the Steens Mountain area in southern Oregon, while preserving the historic ranching and recreational opportunities in the area. It took us over 1 year to negotiate out the provisions of this bill between Members of Congress, the Secretary of the Interior, the Governor of Oregon, the local ranching community, local outfitters, and environmental organizations.

It was clear at the time that we were trying to create a new, innovative approach to cooperative management of the area between the federal government and the local landowners. We believed that Oregonians, as leaders in environmental stewardship, could craft a new, locally supported approach that did not attempt to impose on this management area an existing land management classification. That is why the area is called the Steens Mountain Cooperative Management and Protection Area. We also created a Steens Mountain Advisory Council, a diverse group

of stakeholders who are to provide ongoing input concerning the management of the area to the Bureau of Land Management.

I am becoming increasingly concerned, however, about efforts to harm the operations of the Steens Mountain Running Camp, an excellent facility that has trained thousands of runners and has operated on the mountain for the past quarter century. I am concerned that the operations of the camp are trying to be harmed by those who have a more restrictive reading of the implementation of the Steens Mt. Protection Act than we intended. It was clearly congressional intent that historic uses of the mountain be allowed to continue under this Act. In fact, one of the objectives of the Area, as identified in the statute, is ''to promote grazing, recreation, historic and other uses that are sustainable.'' Isn't that your understanding?

Mr. WYDEN. That is certainly my understanding, and I agree with you that it was clearly our intent that the running camp be able to continue its historic operations on the mountain under this Act. In fact, the House report language states that the Act ''is intended to enhance statutory protections for the area while maintaining the viability of historic ranching and recreational operations in the Steens Mountain area.'' The real tragedy of this situation is that the running camp conducts most of its operations on the mountain on private lands, and is only in the wilderness areas on the mountain for two eight-hour periods the entire year. Most of the environmental organizations in Oregon support the running camp and the unique experience it offers to high school athletes. It would be a shame if these young runners were denied this experience because of the extreme solitude guidelines that a select few are trying to impose on the area, because I believe that these young people know and appreciate the ecological values of the wilderness that they are using.

Mr. SMITH of Oregon. I am committed to a resolution of this situation that enables the Steens Mountain running camp to continue its historic operations on the mountain.

Mr. WYDEN. I share that commitment, and I look forward to working with you and the Bureau of Land Management to ensure that congressional intent is following on this matter.

EDWIN COLODNY: A VERMONT LEADER

Mr. LEAHY. Mr. President, I rise today to pay tribute to a distinguished Vermonter, and my friend, Edwin Colodny. Ed Colodny spent the early years of his life growing up in Burlington, VT. After graduating from Burlington High School, Ed Colodny entered public service as a First Lieutenant in the U.S. Army serving with the Office of the Judge Advocate General. Ed's next career step brought him to the business world where he joined U.S. Airways. During his 35-year career with the company, Ed rose through the ranks to become President and Chief Executive Officer. U.S. Airways grew from a small regional carrier to a major national airline with $6.5 billion in revenues during his tenure—no doubt due in great part to his tremendous leadership.

The University of Vermont is Vermont's largest public institution of higher education. The school is one of the oldest in our nation, founded by Ira Allen, the younger brother of the leader of the Green Mountain Boys, Ethan Allen. Throughout its more than 200-year history, UVM has played an important role in the lives of many Vermonters.

Over the past decade, a number of different people have occupied the UVM President's Office. This leadership turnover has led to some challenges for the school. Last February, UVM faced a particularly difficult time when its sitting President resigned in the middle of the academic year. The school was in the midst of implementing major program reforms and budget cuts as part of a strategic plan that had been adopted by the Board of Trustees; the faculty were organizing a union; and, ongoing student housing issues created some tension between the University and the local Burlington community. The prospect of a leadership void at such a tumultuous time, while a lengthy search for a new President was underway, posed a daunting challenge for the school and its leaders.

It was in that time of need that Ed Colodny agreed to give up his work in private legal practice and move back to Vermont with his wife Nancy to serve as UVM's Interim President. We are all extremely grateful to them for making that sacrifice. Ed has skillfully guided the University through a difficult time, while continuing to implement important policies and reforms that will provide a strong and valuable foundation for the incoming President. The Board of Trustees recently appointed Dr. Daniel Fogel to become UVM's new President and he will be formally taking over the post in July. Thanks to Ed's hard work and strong vision over the past year, as well as that of his entire leadership team, Dr. Fogel will be welcomed by a stable university that is prime for a promising future.

In Ed's short time as President of UVM, he never lost focus of what UVM and all higher education institutions must be about—academic excellence. Last fall, to celebrate the University's 210th year, Ed revived the longstanding but dormant tradition of holding an Opening Convocation ceremony. This was a special opportunity for the UVM community to kick off a new academic year together, and to reaffirm its central mission of providing a high quality education to students in the Green Mountains of Vermont. Ed recognized people's desire to have an opportunity to come together and celebrate the pride they hold for their school and all that it has to offer.

As Ed said when announcing the revival of this tradition, ''The convocation is an opportunity for us to come together as a university community and reaffirm our commitment to the academic ideals we treasure deeply.'' Those words symbolize so much of what Ed has offered UVM over the past year. He has reminded us of the potential power and success that the UVM community possesses when it comes together. He has reminded us of the need to be committed to academic ideals. And, through his leadership in a time of need, Ed has reminded us of the powerful role just one person can play in the lives of so many others.

On behalf of myself, and all Vermonters, I thank my good friend Ed Colodny for his leadership, his commitment to higher education, and his service and dedication to UVM and the State of Vermont. Marcelle and I know we are all better off as a result of Ed and Nancy Colodny's time revisiting Burlington.

THE NOMINATION OF JUDGE D. BROOKS SMITH

Mr. SANTORUM. Mr. President, I thank the members of the Judiciary Committee for moving forward with Judge D. Brooks Smith's nomination for the Third Circuit. He is an impressive judge from the Western District of Pennsylvania. He has a distinguished 14-year career on the bench. He has a distinguished 2-year career on the Common Pleas Court in Blair County, PA.

I thank, in particular, Senator BIDEN, Senator KOHL, and Senator EDWARDS who supported the nomination and enabled the nomination to come out of committee. I certainly hope we will schedule his confirmation on the Senate floor when we return from the Memorial Day recess.

We have a couple of vacancies on the court in Pennsylvania. This would be a most welcome addition to the Third Circuit.

BEING BETTER PREPARED FOR TERRORIST ATTACKS

Mr. AKAKA. Mr. President, today I wish to address some of the issues raised by the White House's revelations last week that President Bush had been briefed on August 6 on Osama bin Laden's terrorist network and on plans by al-Qaida to hijack airplanes.

I understand that there was no advance knowledge that al-Qaida was planning to hijack airplanes and fly them into the World Trade Center or the Pentagon. I understand that there was no advance warning that this was to take place on September 11.

I believe the President when he states that had he known that the World Trade Center and the Pentagon

were going to be attacked on September 11 by hijacked planes, he would have taken immediate action. Likewise, I believe none of my Democratic colleagues have suggested otherwise. I am certain that the President would have acted swiftly and effectively to prevent those attacks. In retrospect there are numerous actions which I am certain both the administration and the Congress wished we had taken when the Director of Central Intelligence first warned the President about terrorist attacks in the United States. An inquiry into what was done and what went wrong are legitimate questions which should be answered by the administration, and I hope will be.

But rather than concentrating on the past, I would like to focus my remarks on what now needs to be done to prevent future attacks. I do not agree with Defense Secretary Rumsfeld's recent conclusion that it is inevitable that terrorists will gain access to weapons of mass destruction and will use them. Our policy should be designed to deter terrorists from obtaining weapons of mass destruction in the first place. If we have the right strategy and implement it effectively, then the eventuality Secretary Rumsfeld assumes will not take place.

The administration is demanding that all agencies and departments produce performance plans and strategies to ensure that they are meeting their missions and using their budgets effectively. The Congress should be allowed to ask if the administration is managing homeland security effectively and meeting its mission. Three factors that can be used in judging success are transparency, public benefit, and leadership.

Transparency refers to how the administration communicates with the public and policymakers. Is the administration sharing information effectively? Is the information easily found and understandable? The confusion surrounding the anthrax exposures and the spate of recent terrorist warnings indicate that it is failing.

Public benefit refers to how clearly the administration establishes the cause and effect relationship between its actions and the general good. Do people feel safer in the aftermath of the administration's efforts? Is it clear that the administration's actions will result in a safer and more secure society? Vice President CHENEY's remarks on Sunday that the question is ''when'' not ''if'' a terrorist will attack the United States suggests that the administration has not met its most basic mission of homeland security and the war on terrorism.

Leadership is a broad term. Partly, it refers to using past and current information for future decisions. Leadership also refers to admitting when mistakes were made and identifying where failures occurred. Have we learned from past mistakes and are the lessons being used? Do the administration's actions inspire confidence in their ability to enhance our lives?

The administration is right when it suggests that the Congress received many of the same warnings that it did in the months leading up to September 11. But it is the White House and executive branch agencies which have the responsibility and the capability of ensuring an adequate response to those warnings. One of the first hearings I held after becoming chairman of the International Security, Proliferation, and Federal Services Subcommittee of the Governmental Affairs Committee was a hearing on July 23, 2001, on ''FEMA's Role in Managing a Bioterrorist Attack and the Impact of Public Health Concerns on Bioterrorism Preparedness.'' Since that hearing, we have come some distance in improving our capability but we still have a long way to go.

For example, the administration needs to implement a long-term homeland security strategy that matches the threats we face. The Office of Homeland Security is still a work in progress. When my colleagues suggest that the head of that office should be Senate confirmable, they are right.

Governor Ridge is well-meaning but lacks the authority or the instruments to effect sufficient coordination and implementation by a diverse set of Federal agencies all charged with overseeing different aspects of homeland security. That is why I support S. 2425, introduced by Senator LIEBERMAN, to establish a Department of National Homeland Security and the National Office for Combating Terrorism. I am pleased to note that the Committee on Governmental Affairs reported favorably the bill this week.

I call on the administration to do the following: Carefully evaluate how agencies are structured to respond to terrorism. Eliminate fragmentation to achieve cohesive government operations. Reorganization alone will not fix communication problems.

Ensure that Federal agencies have the information they need and know what to do to protect against terrorism. Government organizations must have the proper internal structure and resources to identify, share, and act upon information swiftly.

Direct Federal agencies on what a ''high state of alert'' means and what agencies need to do to respond. Organizations lose the ability to respond if the agencies remain on a prolonged state of high alert. There needs to be clearer communication of a relatively lower state of alert so that agencies can respond more effectively. Agencies need to have accurate information so that they may ''stand down'' in periods of relative calm.

The administration needs to clarify the proper role of the military in homeland defense responses before a massive attack requires its extensive involvement.

Federal agencies should know what ''success'' means and have an idea of what the agencies need to accomplish to make progress.

The most effective way to respond to terrorist attacks is to prevent them from happening. The only way to do this is through intelligence and coordination. This was the real failure prior to 9–11 and it continues to be a problem today. Communication and intelligence sharing between Federal law enforcement and the intelligence community are dysfunctional. Local and State leaders are crying out for some way to share information and intelligence.

These are enormous challenges but these are critical times. I fear the atmosphere in Washington is still one of ''business-as-usual,'' and I am concerned that the administration is reluctant to make the changes which are needed in as timely fashion as is required if we are going to be better prepared for the ''perhaps more devastating attack'' which Vice President CHENEY predicted would next come, or if we are going to avoid the type of attack by a terrorist with a weapon of mass destruction as imagined by Secretary Rumsfeld.

POW/MIA MEMORIAL FLAG ACT OF 2001

Mr. CAMPBELL. Mr. President, as we approach Memorial Day I would like to begin my statement today describing a powerful and emotional sight that moves up to the core of our faith and beliefs about America and about those who served in the Armed Forces of our Nation.

Many of us have visited one or more of the military academies that train America's future military leaders. These academies have varied missions and yet all of them share in the critical task of developing leaders for their particular branch of service. On the grounds of each academy is a chapel, spectacular places that are easily identifiable as places of worship.

In each chapel, a place has been reserved for those Prisoners of War and the Missing in Action from each particular service. A pew has been set aside and marked by a candle, a powerful symbol that not all have returned from battle. These hallowed places have been set aside so that all POW's and MIA's are remembered with dignity and honor. It is a moving and emotional experience to pause at these reserved pews, to be encouraged by the burning candle, to recall the valor and sacrifice of those soldiers, sailors, marines, and pilots and to be inspired today by what they have done.

Yet, I believe we can and should do more to honor the memory of all the POW's and MIA's who have so gallanty served our nation.

On August 10, 1990, the 101st Congress passed P.L. 101–355 which officially recognized the POW/MIA flag. Displaying this flag is a powerful symbol to all Americans that we have not forgotten, and will not forget.

Last September, I introduced S. 1226, the ''POW/MIA Memorial Flag Act of 2001.'' This act would require the display of the POW/MIA flag at the World

War II Memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial, on any day on which the United States flag is displayed.

As my colleagues well know, the United States has fought in mnay wars, and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action. In the 20th century alone, more than 147,000 Americans were captured and became prisoners of war; of that number more than 15,000 died while in captivity. When we add to the number those who are still missing in action, we realize that more can be done to honor their commitment to duty, honor, and country.

The display of the POW/MIA flag would be a forceful reminder that we care not only for them, but also for their families who personally carry with them the burden of sacrifice. We want them to know that they do not stand alone, that we stand with them and beside them, as they remember the loyalty and devotion of those who served.

As a veteran who served in Korea, I personally know that the remembrance of another's sacrifice in battle is one of the highest and most noble acts we can do. Let us now demonstrate our indebtedness and gratitude for those who served that we might live in freedom.

Just as those special reserved pews in the chapels of the military academies recall the spirit and presence of our POW's and MIA's, so too will the display of their flag over the World War II Memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial be a special reminder that we have not forgotten, and will not forget.

I invite my Senate colleagues to please join me in passing this important bill S. 1226, to ensure our POW/MIAs are not forgotten.

IN PRAISE OF FOSTER PARENTS

Mr. CRAIG. Mr. President, today we celebrate May as National Foster Care Month, and in Idaho, Foster Care Appreciation Month. Although this month is almost over, the need for foster care remains critical. I would like to take a moment today to talk about the important role that foster parents play in maintaining the safety and welfare of some of our most vulnerable citizens.

According to the Administration of Children and Families within the U.S. Department of Health and Human Services, there are an estimated 565,000 children in foster care across this nation. In Idaho, 1,276 children in need have been given temporary refuge in foster homes. There are 470 licensed foster homes available in Idaho to provide a family setting for children who have lost their parents, or whose parents, for whatever reasons, can no longer provide appropriate care. Foster care is intended to be temporary—until a child can be returned safely to his or her parents, or, if that is impossible, placed in a permanent, loving adoptive home.

Many foster parents take an active role working with the child's family to help them become safely reunited, or end up adopting the child themselves. One such foster couple is Manual and Catalina Godina of Parma. The Godinas have been foster parents since 1999, caring for nearly 20 children of all ages. After her five biological children grew up and married, Catalina spent her days babysitting grandchildren. She heard a foster care recruitment announcement on the radio and told Manuel she wanted to get involved. She then applied to see if they could qualify and, fortunately, they did.

Catalina has seen first hand the need for foster care when her infant nephew was removed from a drug-abusive home to be placed in his grandmother's care. She wanted to do something to help kids, so she opened up the Godina home to them. Catalina knows many kids who come through the system are mistreated, and she's trying to do her part to bring some joy into their lives. ''They need some love, caring and a lot of attention,'' she says.

Manual and Catalina have hosted children for as little as 2 weeks, but currently their foster family includes a teenager who has lived with them for 3 years. On May 9, the Godinas adopted 3-year old Dimber, a beautiful boy who's been in their lives since he was 9 days old. They fell in love with Dimber, and when he became available for adoption, the Godinas applied, ensuring him a permanent, loving home.

There are many more foster families who mirror the compassion and love expressed by the Godinas. Sadly, however, there are far more children needing temporary refuge than there are Godinas or other foster families who can care for them. The purpose of National Foster Care Month has been to raise awareness of these issues and invite caring adults across the Nation to consider helping a child in need by becoming a foster parent. I salute all foster families and urge my colleagues to continue spreading this message in their home States.

INVESTIGATING THE EVENTS OF SEPTEMBER 11

Mr. SPECTER. Madam President, I have sought recognition to oppose the formation of a new commission to investigate the events of September 11, 2001. The suggestion has been made that such a commission should be modeled after the commission which investigated Pearl Harbor and the commission which investigated the assassination of President Kennedy.

Having been assistant counsel to the Warren Commission investigating the assassination of President Kennedy, I have some background in the way the commission was organized. I can say, with that experience, that it would take a very long process to form a new commission. The Warren Commission was compelled to go out and hire staff. They hired lawyers from around the country—mostly young lawyers, like myself, back in 1964. The difficulty to obtain investigators was a very paramount one. They had to turn to the FBI, something which could not be done on an investigation of September 11 because the FBI itself is under scrutiny.

It is my view that it is important that we proceed on an expedited basis to have the appropriate oversight. We now know, with the revelation of the Phoenix memorandum, that on July 10, 2001, there was some substantial cause to be concerned about an attack by Osama bin Laden from the air. We know from the information available back in 1996, from the Pakistani terrorist Abdul Hakim Murad, who had connections with al-Qaida, that at that time there were plans to fly a plane into the CIA headquarters or other tall buildings. We know that with the arrest of Zacarias Moussaoui, on August 17, 2001, that it was not really a matter of putting the dots together.

However, as Senator GRAHAM, the chairman of the Senate Intelligence Committee, pointed out recently:

> I believe that if all the information that was known about the plans of Osama bin Laden, to train persons in the United States in aviation and understand the way in which the commercial aviation system in the United States operated—had all those been available to one set of analysts, it is possible that they could have put those pieces together.

Senator GRAHAM went on to point out that:

> . . . handled differently, it might have been a different outcome.

From my own experience as chairman of the Intelligence Committee in the 104th Congress, and from chairing the Judiciary subcommittee on Department of Justice Oversight, there is experience in those oversight committees which cannot be duplicated by a commission.

We have had on the Judiciary Committee, which does have oversight responsibility on the FBI on reorganization, the grave difficulties of getting information from the FBI. We know their procedures. What is evolving, in rather short order here, is a showing that it is really not a matter of putting together the dots, but just a matter of knowing what information was in the files, because of the variety of warnings about bin Laden, hijackings of commercial airliners, and flying into tall buildings.

This ought to be handled on an expedited basis. There is considerable experience in the Intelligence Committee and in the Judiciary Committee with experienced attorneys, former prosecutors, and investigators. It would be a major mistake to be diverted to a commission on the analogy of the Warren Commission or the Pearl Harbor Commission. I say that especially as to the Warren Commission where I saw personally the grave difficulties of getting organized.

The Intelligence Committee has primary jurisdiction over the events of September 11. There is some authority and oversight by the Judiciary Committee, as we had hearings recently with FBI Director Mueller on reorganization and as we have had closed-door sessions. However, as more of this information is coming out, it is apparent that there is a need for oversight and for some direction to be sure that these failures do not repeat themselves. With the imminent possibility of another terrorist attack—as the President, the Secretary of Defense, and the FBI Director have said that there is an inevitability of another attack—the experience and institutional knowledge of the Intelligence Committee and the Judiciary Committee ought to be used to oversee the FBI and CIA so that we can take action to stop another attack.

I thank my colleague from North Dakota for permitting me to speak. I yield the floor.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred June 19, 2001 in Medford, OR. A Hispanic man was assaulted by a man who yelled ''white power''. The assailant, Keith A. Hollensbe, 20, was charged with third-degree assault and first-degree intimidation in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

NATIONAL POLICE WEEK

Mr. LEVIN. Mr. President, last week many of our Nation's police officers joined together in Washington, DC to celebrate National Police Week. It began Monday, May 13 with a candlelight vigil at the National Law Enforcement Officers Memorial. The week-long tribute to our Nation's Federal, State and local police officers honors those who died in the line of duty and those who continue to serve and protect us everyday at great personal risk.

According to the National Law Enforcement Officers Memorial Fund, in 2001 there were 230 police officers killed in the line of duty. While many of the officers who were killed in the line of duty over the past year died as a result of the tragic events of September 11, there were many other officers who died because of gun violence. Of the 230 police officers killed in the line of duty last year, 68 were killed by a firearm.

To help stem the tide of gun violence, Senator REED introduced the Gun Show Background Check Act. I cosponsored that bill because I believe it is an important tool to help to prevent guns from getting into the hands of criminals. This bill simply applies existing law governing background checks to persons buying guns at gun shows. It is supported by a variety of law enforcement organizations including the International Association of Chiefs of Police, Major Cities Chiefs of Police, National Black Police Association, Police Foundation and National Troopers Coalition. We should stand with our Nation's law enforcement community and take this common sense step to reduce gun violence.

I urge my colleagues to support this important piece of gun safety legislation. This is one step we can take to try to make sure guns do not get into the hands of criminals and others prohibited by law.

ROBERT J. DOLE DEPARTMENT OF VETERANS AFFAIRS MEDICAL AND REGIONAL OFFICE CENTER

Mr. ROBERTS. Mr. President, I rise today to honor Senator Bob Dole and to thank you for your support of H.R. 4608, naming the Department of Veterans Affairs medical and regional office center in Wichita, KS, as the Robert J. Dole Department of Veterans Affairs Medical and Regional Office Center.

In the words of Senator Dole, ''Anyone who wants to understand me must first understand Russell, KS. It is my home, where my roots lie, and a constant source of strength. My father's view of the world as ''stewers versus doers'' registered early. From my neighbors, I learned to feel deeply for God, country and family. In Russell, I came to understand there are things worth living for, and, if need be, dying for.

The Russell of my youth was not a place of wealth. Yet it was generous with the values that would shape my outlook and the compassion that would restore life's richness after I had begun to doubt my future following the war. Ever since, I have tried in my own way to give back some of what the town has given me. I have tried to defend and serve the America I learned to love in Russell.''

That quote shows Senator Dole's dedication, passion, and love for Kansas and the United States. It only begins to vocalize the relationship he has had with the people of Kansas. Although many of my colleagues know and served with Senator Dole, I want to briefly recount his distinguished record of military and public service.

Bob Dole's heroism during WWII earned him two purple hearts and the Bronze Star Medal. While serving our country in the 10th Mountain Division in Italy, he was wounded trying to save a downed radioman. Injured badly and left for dead, Bob Dole survived nine long hours on that battle field paralyzed from the neck down and with a shattered shoulder. After spending time in a field hospital, he was transported back to a military hospital in the United States where he underwent nine surgeries over 3 years. It is a testament to Bob Dole's strength and character that he has overcome unbelievable obstacles.

As a, Russell County Attorney, Kansas State Legislator, U.S. Congressman, Senator, longest serving Senate Majority Leader and candidate for president, Bob Dole has tirelessly served the people of Kansas and this country. As a statesman, Senator Dole was always available. He listened and learned from Kansans whose concerns were as diverse as Kansas itself, economic development needs of our State's urban areas, support for disabled Americans, assistance for agricultural producers, and benefits for our veterans.

After leaving elected office, Bob Dole has kept giving of himself. In 1997, he agreed to serve as chair for the National World War II Memorial. He has since raised awareness and money to build a national monument in support of those who fought for our country during WWII.

Republicans, Democrats, politicians, farmers, veterans, and business owners know and respect the extraordinary statesman from Russell, KS, who still to this day has the receipts from the people of his hometown who helped pay for his medical bills after the war. He is a man of humility, leadership, courage, and pride. I am honored to know this man.

The State of Kansas, the Wichita VA, the veteran service organizations represented in Kansas, and I are proud to name the Wichita VA after this deserving figure. The Wichita VA should and will be a lasting and fitting tribute to the man from Kansas. Once again, I thank my colleagues for their support of H.R. 4608.

THE NAMING OF THE BOB HOPE VETERANS CHAPEL

Mrs. FEINSTEIN. Mr. President, I would like to thank the Senate for passing H.R. 4592, which designates the chapel located in the national cemetery in Los Angeles, CA the Bob Hope Veterans Chapel.

Beginning in May, 1941, when he performed his radio show for airmen at March Field, CA, and continuing through his Christmas show in Saudi Arabia in 1990 during Operation Desert Storm, Leslie Townes (Bob) Hope has taken to the roads to entertain U.S. troops, no matter where they were located.

Whether the country was at war or peace, Mr. Hope spent nearly 60 years

committed to boosting the morale of U.S. armed forces through goodwill tours, United Services Organization shows, and his world-famous Christmas specials.

Through laughter, Mr. Hope helped an estimated 10 million GIs forget, for a brief period, their distance from home.

In October, 1997, Mr. Hope was made an Honorary Veteran through Congressional action—the first individual so honored in the history of the United States.

Mr. Hope and his wife, Dolores, have been married for 68 years, and have four children, as well as four grandchildren.

This legislation would further honor Mr. Hope's selfless devotion to America's protectors on this, his 99th birthday, by naming after him the chapel in the national cemetery near his home—a lasting tribute to his lifetime of service.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO JUDE LILLY

● Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Mrs. Jude Lilly for receiving the Wildwood Programs Volunteer of the Year Award.

Jude has worked for Wildwood programs for more than fourteen years. In that time she has selflessly dedicated herself to help enable children and adults with neurologically-based learning disabilities, autism, and other developmental disorders to lead independent, productive and fulfilling lives.

The presentation of this award recognizes Jude for all that she does outside of the office as a volunteer. Two years ago she began the Pet Therapy Program. The program involves disabled young adults taking dogs to nursing homes to visit with senior citizens. As the creator of the program, Jude has created a means by which these young adults can give back to their community. The program brings immense value to all parties involved as they benefit from the time they spend with one another.

Jude's hard work is a tribute to her profession. Her ability, dedication, and desire to serve all members of the community is commendable. It is an honor and a privilege for me to congratulate her for receiving this award.●

THE 30TH ANNIVERSARY OF PRIDE/TWIN CITIES

Mr. DAYTON. Mr. President, I rise today to offer my congratulations to GLBT Pride/Twin Cities on the 30th anniversary of their Pride Celebration. The small march and picnic held 30 years ago has grown into a 2-day spectacular, featuring a Pride Block Party, a boat cruise, a fabulous Festival, and a very special Pride Parade, all of which draw many thousands of participants. It is the largest Pride Celebration in the Midwest, and the third largest in the Nation. It has become a weekend to celebrate and to honor the many, many talented and accomplished men and women in Minnesota's lesbian, gay, transgender, and bisexual communities and their friends.

GLBT Pride/Twin Cities and other GLBT organizations and their members have worked tirelessly to raise public awareness and understanding and to provide supportive services to GLBT individuals and families. As a result of their dedicated efforts during the last three decades, Minnesota has made progress towards achieving full and equal rights for the women and men in our GLBT communities. However, there is still a long way to go. I hope to be here in the United States Senate to witness the passage of Federal legislation banning employment discrimination, preventing hate crimes, and providing domestic partner benefits for GLBT Americans.

I also join with Pride/Twin Cities in recognizing June as GLBT Pride Month. All members of Minnesota's GLBT communities deserve to have that pride in themselves, their work, and their accomplishments. I will continue to work with you for the achievement of equal rights, equal protections, and equal opportunities for everyone in Minnesota's Gay, Lesbian, Transgender, and Bisexual communities.

10TH ANNIVERSARY OF NATIONAL CENTER FOR INTER-AMERICAN FREE TRADE

● Mr. KYLE. Mr. President, I would like to congratulate the National Law Center for Inter-American Free Trade on its 10th anniversary and ask the following letter be printed in the RECORD.

The letter follows:

Mr. BORIS KOZOLCHYK,
President and Director, National Law Center for Inter-American Free Trade, Tucson, AZ.

DEAR MR. KOZOLCHYK: I would like to congratulate the National Law Center for Inter-American Free Trade on the celebration of its tenth anniversary on April 1, 2002.

The Center is an impressive research and educational institution affiliated with the James E. Rogers College of Law at the University of Arizona in Tucson. It takes excellent advantage of being near one of the most significant international borders in the world.

Since its establishment, the Center has undertaken significant work for the U.S. Department of State to harmonize commercial law in the Americas, focusing on a model law for secured transactions, uniform documentation for cross-border surface transportation, and rules for electronic commerce. This legal reform work is performed in cooperation with the Organization of American States.

The Center plays an important role in integrating U.S. business into the economies of the Western hemisphere. Its work to reduce legal barriers to trade promotes the rule of law, democratic institutions, and enhances political stability and security in the region.

Once again, congratulations, and I wish the Center continued success.●

HONORING OLDER AMERICANS

● Mrs. CARNAHAN. Thank you, Mr. President, my discussions with Missourians reflect that their predominant concern these days is security security from the terrorist threat, and also security in their personal lives. Our seniors are deeply concerned about the price of prescription drugs, how to remain living independently in their own homes, and being able to afford their expenses living on a fixed income. May is Older Americans Month, and I want to take this opportunity to focus Congress' attention on the work that needs to be done to meet our commitment to seniors. That work includes passing a Medicare prescription drug benefit, providing seniors with the opportunity to live independently in their own communities, and increasing funding for the Older Americans Act.

I am a proud member of the Senate Special Committee on Aging, which is charged with overseeing issues of importance to seniors. In my capacity as a member of that Committee, last summer I chaired a hearing in Jefferson City, Missouri on the high cost of prescription drugs.

I want to share a story with you. At the hearing, a 92-year-old woman told me how ashamed she felt when she had written a check to cover her medication—knowing she did not have the money in the bank to cover it. Shame on us, I thought Shame . . . on us for allowing such indignities to be inflicted upon our senior citizens.

It is wrong to force older Americans to choose between rent and food and the medications they need to stay healthy. That is why I am urging Congress to enact a meaningful, affordable, and universal Medicare prescription drug benefit this year. I have also written to the Chairman of the Senate Budget Committee supporting $750 billion over ten years for the senior drug benefit. In addition, I am supporting legislation that would lower the price of prescription drugs for all Americans by closing loopholes in current law that allow brand name drugs to keep lower cost generic drugs from entering the market.

I believe that it is important for seniors to live independently in their own homes and communities for as along as possible. That is why I fought to secure $1.28 million in last year's appropriations bill to establish a Naturally Occurring Retirement Community (NORC) pilot program in St. Louis. The funds will support medical care, nutrition assistance, social services, and caregiver supports to residents of NORCs in St. Louis. This approach will allow seniors to stay in comfortable, less expensive surroundings while maintaining their independence and dignity. Services are cost-effective because seniors are living in a centralized area.

Finally, I would like to voice my support for increased funding for the Older Americans Act. This Federal program provides critical nutrition and support

services to seniors across Missouri, as well as across the country. Earlier this year, I wrote the Chairman of the Senate Appropriations Subcommittee that oversees this program and requested a 10 percent increase in funding for the Older Americans Act, brining the total funding to $1.319 billion. This support for increased funding also applies to the National Family Caregiver Support Program and the Older Americans Act Nutrition Program. I will continue to work hard for this increase because of its importance to seniors.

Once again, I want to recognize how vital it is that Congress continue to keep in mind the needs of our country's seniors as we move forward through the legislative process this year. There are many issues of importance that still need to be addressed.●

EDUCATION HEROES

● Mr. SMITH of Oregon. Mr. President, today I salute some education heroes in my home state of Oregon. I want to recognize the efforts of both the South Coast Interagency Narcotics Team and a group of Millicoma Middle School 8th graders from Coos Bay, Oregon.

For 3 years, the South Coast Interagency Narcotics Team, SCINT, has visited local middle schools to run their ''Pathfinders'' drug abuse prevention program. As part of the Pathfinders program, experts in drug abuse prevention visit 6th, 7th, and 8th grade classes for 2 weeks every year to teach our young adults about the dangers of drugs. Not only does the SCINT team teach students about the physical harm drugs do to our bodies, but, perhaps most importantly, they teach students about the effect drugs have on our minds, and about how young adults can make the right choices when it comes to avoiding drug abuse.

What makes the Pathfinders program stand out is that just over 1 month ago we saw the results of that program in action. On April 18, while on a field trip to our state capitol in Salem, 19 students from the Millicoma Middle School were approached by a drug dealer. Luckily, those 8th grade students were the first in Coos Bay to complete all 3 years of the Pathfinders program, and knew exactly how to respond. The students just said ''no'', went on to their hotel, and alerted their chaperones, which is precisely what they were taught to do.

I am extremely proud of these students, and I know their community is proud as well. Not only were they recognized by their middle school peers, but they will soon be recognized by their new high school as well. Next fall, Marshfield High School will welcome those special 8th graders as freshmen, and will dedicate a new American flag to fly above the high school in their honor. The flag will serve as a reminder to all students that strong character coupled with good choices have always served our nation well.

The education that takes place in our schools has real world consequences, and it is essential that we take time to salute the people who help our nation's young adults make proper choices in their lives. Teachers, administrators, parents, and community members like the South Coast Interagency Narcotics Team are to be commended for their work, because without their efforts 19 more middle school students might be experimenting with drugs. Nineteen more middle school students could very well be dropping out of school or even going to jail. I want to thank the South Coast Interagency Narcotics Team and the Millicoma Middle School for reminding us once again that our communities are producing just the kinds of citizens we want leading America into the 21st century.●

TUBBY RAYMOND FIELD

● Mr. BIDEN. Mr. President, late last year, I offered a tribute to the legendary University of Delaware football coach, Harold ''Tubby'' Raymond, on the occasion of his 300th career victory. A few short months later, after 36 years as head football coach and a total of 48 years at Delaware, Coach Raymond decided to retire. And now, with a vote by the Board of Trustees this Tuesday, May 21st, the University has decided to designate the football field as ''Tubby Raymond Field.''

Like many Delawareans, present and relocated, I welcomed the University's decision with enthusiasm. I am a graduate of the University of Delaware. For a while, Tubby was my backfield coach, and I am one of many great fans and proud friends of Tubby Raymond. He deserves this honor; as his successor K.C. Keeler, who also played for Tubby—played more and played better, I might add—said, while looking over the Delaware football field, ''the man built this place.''

I will resist the temptation to recount again the remarkable success of University of Delaware football teams under Tubby Raymond, who ended his head coaching career with a record of 300–119–3, a winning percentage of .714.

But I would like to share a comment Tubby made, in response to a question he has been asked countless times in the course of his storied career. He was asked if he regretted not moving to coach on Sunday or at a bigger school, a I-A program, like his alma mater, the University of Michigan. Tubby said that he always had everything he wanted at Delaware, adding, ''I'm just as proud of the players who have gone on to be successful in business and other careers, as I am of those who have gone to the NFL.''

As a coach, Tubby Raymond has been a dedicated and very successful teacher, and the fact that he will be the speaker at this Saturday's commencement ceremony reflects the respect he has earned in the University community, well beyond the Athletic Department.

Tubby hasn't been able to leave the coaching completely behind, however; as he watched them setting up chairs on the football field for graduation, he shook his head with a slight wince, and said, ''They're going to kill some grass.''

The grass will grow back, and Tubby Raymond Field will be in good shape for the opening game on August 29th, when the name will become official. For the first time that many Delawareans can remember, Tubby will not be the coach. He will be the guest of honor, and it is Tubby Raymond who has honored us by his dedication as a coach and a teacher, his loyalty to the University of Delaware, his leadership in our State—and for those of us who are really lucky, the blessing of his friendship.●

TAHLEQUAH STUDENTS RECOGNIZED AS CONSTITUTIONAL SCHOLARS

● Mr. NICKLES. Mr. President, on May 4–6, more than 1,200 young people from across the country came to Washington, DC to compete in the national finals of the ''We the People: The Citizen and the Constitution'' program funded by the Department of Education and administered by the Center for Civic Education. This program teaches students to think critically, and to present oral arguments based on an in-depth understanding of the history and text of our founding documents. This is the most extensive education program of its kind, reaching more than 26.5 million students in elementary, middle and high schools. The competition simulates a congressional hearing whereby students testify as constitutional experts before a panel of adult judges. It is inspiring to see the future leaders of our Nation in active pursuit of the fundamental principles of government.

I am pleased that 15 students from Tahlequah High School in Tahlequah, Oklahoma were among the finalists in this national event. My congratulations go out to Chris Augerhole, J. R. Baker, Chad Blish, Ryan Cannonie, Taylor Gibson, Carlton Heard, Corbin Heard, Zach Israel, Doug Kirk, Helena Loose, Lacie Newman, Tim Pace, Rebecca Walker, Derek Whaler, Brandon Zellner, and their teacher Norma Boren.

Independent studies by the Educational Testing Service revealed that students enrolled in this curriculum ''significantly outperformed comparison students on every topic.'' While only 48 percent of 18–30-year-olds voted in the 2000 elections, 82 percent of ''We the People'' alumni reported voting in 2000. It is refreshing to see the difference that can be made in the lives of students when they are taught to develop reasoned commitments to American values.

Again, I want to affirm the efforts of Tahlequah High School along with all the students across the country that participate in this study of our great Nation. We all know today's youth are tomorrow's leaders. Through their understanding of history, these students

can better prepare their generation to face the challenges that lie ahead. They represent the best and brightest our country has to offer.●

10-YEAR OLD FROM JENISON, MICHIGAN WINS THE NATIONAL GEOGRAPHIC BEE

● Mr. LEVIN. Mr. President, Calvin McCarter, a home-schooled student from Jenison, MI, a suburb of Grand Rapids, won the National Geographic Bee yesterday. At ten years old, Calvin became the youngest contender ever to win the competition. The grand prize was a lifetime subscription to National Geographic Magazine and a $25,000 college scholarship, which Calvin will not be able to use for a few years.

In the final round, Calvin and Matthew Russell of Bradford, PA, were asked the same five questions. Before the final question, they were tied with one wrong answer. According to accounts of the competition, the final question posed to the competitors was which country uses Lop Nur, a marshy depression at the eastern end of the Tarim Basin, as a nuclear test site. Calvin correctly identified China, while Matthew identified France.

According to National Geographic News, at the beginning of the competition, each contestant was given the opportunity to sit down and chat with host Alex Trebek. Calvin talked about his stamp-collecting hobby. His favorite is a Cold War stamp from the former Soviet Republic of Byelorussia, now the independent country of Belarus. His attention to detail and love for geography was evident, and is more clear now after his victory.

I know my colleagues will join me in congratulating Calvin on this tremendous accomplishment and wishing him the best in all of his future endeavors. Congratulations, Calvin.●

HONORING DR. GEORGE RUPP, PRESIDENT, COLUMBIA UNIVERSITY

● Mr. SCHUMER. Mr. President, I rise today to honor Dr. George Rupp for his distinguished career as the 18th President of Columbia University. On June 30, 2002, Dr. Rupp will retire from this position, after a remarkable record of service to New York City and to higher education in America.

Dr. Rupp, a New Jersey native, is both a dedicated scholar and educator. After graduating from Princeton University with high honors, he received a Bachelor of Divinity degree magna cum laude from Yale and a Ph.D. in the study of religion from Harvard. He served as the John Lord O'Brian Professor of Divinity and dean of the Harvard Divinity School and then as President of Rice University for eight years. In 1993, Dr. Rupp headed from Texas to New York with a vision, and today Columbia University is a stronger, more vibrant institution because of him.

Under Dr. Rupp's nine-year tenure, one of the nation's most important centers of intellectualism has flourished. Columbia University will commemorate its 250th anniversary as a model of academic excellence and community service. Its core missions of teaching, research and public service have enriched New York City, New York State and our country beyond measure.

Dr. Rupp has enhanced the quality of education at Columbia University by increasing attention to the importance of teaching; creating, among other things, teaching awards for faculty and graduate assistants. He has refocused the University's teaching and research to emphasize multidisciplinary efforts, bringing together scholars from different departments, schools and even outside institutions. Such efforts have led to the establishment of several new centers at Columbia, including the Earth Institute, Columbia Genome Center, Center for Biomedical Engineering, International Research Institute for Climate Prediction, and Center for New Media Teaching and Learning.

Student life on campus has also improved significantly since Dr. Rupp became President. He has promoted diversity and held the University to its promise of need-blind admissions and full-need financial aid at Columbia College. He has overseen the addition of women's varsity teams in swimming, softball, field hockey, rowing, lacrosse and volleyball, providing women with the same number of sports teams as men. Over the last few years, six new buildings have been constructed and 19 more have been renovated under his direction.

Dr. Rupp has also been steadfast in expanding the role of Columbia as an engine of high-tech growth and innovation. The recent scientific advances made at the University have been successfully translated into scores of valuable technologies which have also led to the development of numerous start-up firms in the area. Under Dr. Rupp, the University has established the Audubon Biotechnology and Research Park, the first biomedical research and development park in New York City, a facility which is a keystone to the future of the biomedical enterprise in the region.

In summation, I want to express my heartfelt appreciation to President George Rupp for his contributions to American higher education, his unfailing commitment to public service, and his dedication which has distinguished his career as a scholar and educator. I wish Dr. Rupp well in all his future endeavors.●

CELEBRATING ASIAN PACIFIC AMERICAN HERITAGE MONTH

● Mr. AKAKA. Mr. President, every year during the month of May, our National comes together, in appreciation and celebration of Asian Americans and Pacific Islanders and their unique and varied history and contributions to our country. In fact, this May is the 10th Anniversary of the enactment of Public Law 102–450, which officially extended what was known as Asian Pacific American Heritage Week to the entire month of May of every year.

Although celebration of Asian American and Pacific Islander cultures and histories has become a large part of Asian American Pacific Islander Heritage Month, this time was designated primarily to focus on learning more about Asian Americans and Pacific Islanders and their history. Too few of us know in any great detail the stories of Asian Americans and Pacific Islanders. This is discouraging because Asian Americans and Pacific Islanders are such a vibrant addition to the mosaic that is America.

For instance, few realize that the first Filipino community in the U.S. was established in the Louisiana bayou around 1763. Not many of us know that the Bing cherry, a popular product of the Pacific Northwest, was developed by a Chinese American horticulturist named Ah Bing. And in Florida, another Chinese American, named Lue Gim Gong, developed an orange which was resistant to frost, a boon to the Florida agricultural industry.

Hawaii's Duke Kahanamoku was a five-time Olympic medal winner and is recognized internationally as the father of modern surfing. Duke Kahanamoku holds a unique place in surfing history and his Olympic feats are legendary over 80 years since their achievement.

One of the most amazing advances in medicine, organ transplantation, exists today largely because of a Japanese American, Dr. Paul Terasaki, who helped develop a test to determine the compatibility of a donated organ and its intended recipient.

Asian Americans and Pacific Islanders, have made names for themselves in the fields of music, acting, fashion, athletics, academia, medicine, science, literature, cuisine, and many more. Immigrants from Asia and the Pacific have contributed so much to the rich American tapestry. Given their longtime presence here on our shores, there can be no denying that Asian Americans and Pacific Islanders are an integral part of the fabric of America.

Aside from being an enriching and valuable addition to America, Asian American and Pacific Islanders are also one of the most diverse and fastest growing segments of our population. The Asian American and Pacific Islander community is made up of more than 36 distinct subpopulations with differing cultures, religions, traditions, and beliefs, speaking more than 100 different languages. U.S. Census figures show that the Asian American and Pacific Islander population grew at a rate about five times that of the national rate between 1990 and 2000. Asian Americans and Pacific Islanders now make up 4.2 percent of the U.S. population, around 11.9 million people strong. The Asian American and Pacific Islander

population grew by 72 percent in a single decade. While my home state of Hawaii is probably most closely identified as having a large Asian American and Pacific Islander population, it is interesting to note that in the decade between the last two decennial censuses the Asian American and Pacific Islander population in Las Vegas, Nevada, increased 286 percent, in Atlanta, Georgia, there was a 200 percent increase, in Austin/San-Marcos, Texas, an increase of 175 percent, in Denver/Boulder/Greeley, Colorado a 115 percent increase, and in Detroit/Ann Arbor/Flint, Michigan, a 111 percent increase. Hopefully these figures will begin to dispel the notion that Asian American and Pacific Islander growth is strictly a West Coast or Eastern Seaboard phenomenon.

Asian Americans and Pacific Islanders are also key players in our nation's fight against terrorism and efforts to improve homeland security. For instance, my good friend and former colleague, Secretary of transportation Norman Y. Mineta, is working to keep our nation's roads and skies safe. His life story is truly amazing. Interned as a young boy during World War II by his own government, he grew up to be a public servant who has devoted his life to public service on behalf of our country. From his days as a local California politician, to his service in the U.S. House of Representatives, his formation of the Asian Pacific American Institute for Congressional Studies, his Chairmanship of the White House Initiative on Asian Americans and Pacific Islanders, his tenure as Secretary of Commerce, and now as Secretary of Transportation, Norman Mineta has broken down barriers and served his constituents and our nation with integrity and distinction.

As Chief of Staff, United States Army, General Eric K. Shinseki has distinguished himself as a leader of outstanding courage and impeccable integrity. The people of Hawaii are immensely proud of Ric Shinseki, a son of Kauai who has risen to the top post in the Army. Considered an enemy alien at birth, he is the first Asian American to wear four stars. General Shinseki's illustrious career speaks to his commitment and valor and represents the promise and greatness of America. In every way, General Shinseki exemplifies what is best about our nation and the men and women sworn to defend it.

I have mentioned some of the little known, yet positive, history of Asian Americans and Pacific Islanders, but before I conclude my remarks today, I want to highlight some less positive history, which is also little known. Our Nation has not always welcomed Asians and Pacific Islanders with open arms and sadly the treatment many immigrant groups received was truly shameful. I am speaking of events such as the internment of nearly 120,000 aliens and Americans of Japanese ancestry via Executive Order 9066 during World War II; the Immigration Act of 1924 which led to an almost complete halt of immigration from Asia; the exclusion of the Chinese laborers who built the transcontinental railroad from the famous photo of the driving of the golden spike at Promontory Point, ''whitewashing'' history of their important contribution; and the Chinese Exclusion Act, first enacted in 1882 and not repealed until 1943. Most recently, of course, we have the unfortunate acts of xenophobic and anti-Muslim violence perpetrated in the days and weeks after the September 11, 2001, terrorist attacks on our Nation where many of the victims were actually Asian Americans.

Regrettably, ignorance and prejudice continue to adversely impact Asian Americans and Pacific Islanders as they go about their daily lives. Last year, Representative David Wu from Oregon was denied entry to the Department of Energy on official business solely because of his national origin. Hawaii's Governor, Ben Cayetano, a Filipino America, was recently asked for his passport when checking into a hotel in Nevada. These high profile incidents underscore the indignities, insults, and discrimination that Americans of Asian or Pacific Islander descent encounter on a daily basis because some people feel they do not ''look American.''

There is an adage that says, ''Experience is a hard teacher because she gives the test first, the lessons afterwards.'' My hope, as the 2002 Asian American Pacific Islander Heritage Month comes to close, is that we, as a Nation, having been through these tests, have truly learned a lesson. The theme of this year's Asian American Pacific Islander Heritage Month is Unity in Freedom. The simplicity of this theme belies its profoundness. Only by having the freedom to celebrate our individual diversity can we truly come together as one Nation. If you go through your pockets or purses and take out any coin minted in the United States, you will see the motto: ''E Pluribus Unum''—from many, one. This motto first appeared on our coinage back in 1795. I see ''Unity in Freedom'' as a continuation of our Nation's lengthy and grand tradition of respecting an encouraging individual rights while simultaneously acknowledging that the key to our success as a country comes from our ability to lay our individual differences aside to work together for a common goal.●

● Mr. CORZINE. Mr. President, I rise today to recognize Asian Pacific American Heritage Month. Every May we acknowledge the many accomplishments and profound contributions that people of Asian and Pacific Island descent have made to New Jersey and to our country. The celebration also affords us the opportunity to recognize the strength the United States draws from its diversity, especially those contributions made by Asian Pacific Americans.

The formal recognition of Asian Pacific American Heritage began in 1979 with a weeklong celebration. In 1992, President George Herbert Walker Bush signed Public Law 102–450, devoting the entire month of May to acknowledge the history, concerns, and contributions of Asian Pacific and Americans.

Today, Americans of Asian and Pacific Islander lineage total nearly 11 million people. The Census Bureau projects that the Asian Pacific Islander population will grow to nearly nine percent of the American population by the middle of the century.

Americans of Asian and Pacific Islander heritage have been instrumental in the development and sustaining of both the national and New Jersey economies. Figures from the last economic census compiled in 1997 attribute more than 2.2 million jobs nationwide and over $306 billion dollars to Asian and Pacific Islander-owned businesses. New Jersey ranks fifth nationwide in the number of firms owned by Asian and Pacific Islanders with over 41,000 businesses generating sales and receipts totaling over $16.7 billion.

Although some Asian Pacific Americans are beginning to enjoy success in the United States, Asian immigrants and Asian Americans have met roadblocks. From racist Chinese exclusion laws to being unjustly held hostage in internment camps, Asian Pacific Americans too often have been shunned as untrustworthy foreigners, not accepted as ''true Americans'' because of their appearance or their cultural and religious traditions. Unfortunately, racism against Asian American continues today. Hate crimes perpetrated against Asians and Asian Americans have increased in frequency and intensity in the wake of the terrorist attacks against the United States.

All Americans should remember that we are a nation of immigrants and we should reaffirm our commitment to diversity, mutual respect and the American Dream. We must remember that although people we meet on the street, schools, stores or even airplanes may be of a different ethnic or religious background, they are still our co-workers, neighbors, and fellow Americans.

I hope you will join me in recognizing the hard work and sacrifices made by Asian immigrants and Asian Americans for our country. Throughout our history, Asian immigrants and Asian Americans have contributed to our nation's growth and have fought to protect our nation. Today, Asian Americans continue to help make our country great through contributions as diverse as they different countries of origin. I applaud the efforts of Asian immigrants and Asian Americans who continue to work towards the American dream, and I thank them for their many contributions to our great Nation.●

HONORING LILLIAN AND JACK BURRIS, JULIE AND CHARLES CAWLEY, JOAN AND STACEY MOBLEY

• Mr. BIDEN. Mr. President, last week I had the privilege of attending a dinner honoring six extraordinary Delawareans, three couples who have generously extended the success, spirit and strength of their own lives to the immeasurable benefit of our State. They were honored for, what I thought was a wonderful phrase, their ''transformational leadership'' by the Delaware Region of the National Conference for Community and Justice, the NCCJ.

Lillian and Jack Burris have volunteered for and contributed to more public service organizations than many of us could name. Last year, they were honored as a couple with the United Way's Alexis de Tocqueville Society Award.

Among other endeavors, Lillian is a charter member of the Milford Housing Corporation, a trustee of Wesley College and a member of the board of the Kent and Sussex Counties Mancus Foundation, which serves disabled citizens. Perhaps most impressively, she was Delaware's Mother of the Year in 1992.

Jack has been chairman of the State Integrity Commission for over a decade; he is a 35-year board member at Milford Memorial Hospital, a former trustee of the University of Delaware, and in 1994, was inducted into the Delaware Business Leaders Hall of Fame. He can still out-work colleagues half his age.

Julie and Charlie Cawley have become remarkable leaders, both in the business community and personally, in supporting charitable and educational organizations through their Cawley Family Foundation and the MBNA Foundation, which coordinates the considerable volunteer efforts of the more than 10,000 MBNA employees in Delaware.

Julie, a former special education teacher, is a leader in some of the most effective nonprofit organizations and educational efforts in our State, including the Ministry of Caring, Catholic Charities, Meals on Wheels, the Centreville School and Bayard House, a residential program for pregnant teenagers and young women.

Charlie serves on the board executive committees of the University of Delaware and the Grand Opera House in Wilmington. His other board memberships, past and present, are too numerous to name I'm afraid I might leave out something important but I know he takes particular pride in his service on the board of the Metropolitan Wilmington Urban League. And Charlie not only serves, he truly leads, inspiring others to get involved.

Joan and Stacey Mobley are one of those impressive doctor-lawyer couples, but despite all those advanced degrees, they have made good certainly as community leaders. They currently co-chair the capital campaign of the Delaware Art Museum, which is undertaking a major renovation and expansion.

Joan Mobley, M.D., serves on the board of the University of Delaware, is an advocate for the Open College Door Program at Delaware State University, and serves on the board of overseers for the Delaware College of Art and Design. Joan also sits on the Board of Professional Responsibility of the Delaware Supreme Court, and chairs the nominating committee of our YWCA.

Stacey Mobley, lawyer, chaired one of the most successful statewide charitable fund-raising campaigns in Delaware history, at a time when it wasn't easy, raising $27 million for the United Way. He, too, has served on numerous boards through the years, including his leadership here in Washington on behalf of the National Building Museum and the Arena Stage. Last year, Stacey was appointed by our Governor to chair the Delaware Strategic Economic Council again, taking the job when the challenge is considerable.

Six extraordinary people, and perhaps the most extraordinary thing about them is that for every public effort, every board membership, every charitable contribution that I could name and document, each of them has undertaken many more private acts of generosity and ''transformational leadership.'' It is my very great privilege to know all of them personally, and to be able to honor them as friends, as well as community leaders.

I would like to put into the RECORD the comments made by Stacey Mobley, accepting the NCCJ award on behalf of all six honorees, and I ask that his remarks be printed in the RECORD.

The remarks follows:

REMARKS BY STACY J. MOBLEY

On behalf of Joan and myself, let me say that we are humbled to be honored by the NCCJ tonight—and to be honored along with Lillian and Jack Burris and Julie and Charlie Cawley. Considering their extraordinary contributions to Delaware over the years, it's truly overpowering to be included with them.

The Cawleys and the Burrises have asked me—in the interest of time—to deliver remarks for all six of us. So let me begin by saying we all extend our thanks not only to the NCCJ—which has so generously honored us—but to our family and our friends who have bolstered us through the years, often served with us, answered our pleas for contributions or support, or just agreed to share their ideas at a focus group. As Dr. King once said: ''Our destinies are tied together. None of us can make it alone.'' We're all part of an extended family—a community of friends—that nurtures each other's dreams and shares each other's happiness. So the six of us would like to take a moment to thank all of you who have been such wonderfully supportive family, and great companions through our lives.

At the first meeting with Muriel Gilman and Barbie Riegel to discuss this award, they explained that the NCCJ was honoring us for what it calls ''transformational leadership'' in bettering our communities. That seems a most appropriate theme to focus on, considering the work of the NCCJ, itself. For 75 years, the NCCJ has encouraged ''transformational leadership'' across this nation as the organization has helped fight bias, bigotry and racism, while promoting understanding and respect among all peoples. The work has never been easy—and I might suggest that it has never been more important a task than it is today.

Sadly, understanding and respect among all peoples seem to be dwindling values in our world. Despite the advanced telecommunications devices we invent, and despite the Internet, which puts the wisdom of the greatest minds at our fingertips, we still seem incapable of learning from the past. As we look with empathy and helplessness at the conflicts that tear apart peoples around the world, we wonder why these twin values of understanding and respect for each other's differences are so elusive. People of differing religions, races and ethnicity's have caused each other tremendous pain over centuries of recorded time because fear and hatred have too often been instilled from infancy. And regrettably, nobody seems above it. It has been true of Protestants, Catholics, Jews, Muslims, Buddists, Serbs, Croats . . . and the list goes on. In the places where there is no understanding of each other, there is no mutual respect. And as surely as night follows day, distrust and hatred seem to follow.

Conversely, in the places where there is an effort to understand and respect each other's differences, people can live and work side-by-side, gaining strength from their diversity.

As our world struggles with seemingly insoluble problems—in the Middle East, the Balkans, Northern Ireland, India, Africa, and a dozen other global hot spots—we find ourselves praying for an outbreak of peace. We all share such a spectacularly beautiful little island in this massive solar system, you wonder—as Rodney King asked: ''Why can't we all just get along?''

And while those of us in the comparatively little outpost called Wilmington, Delaware, are not in the position to solve the world's problems, we give thanks in our own community for an organization such as NCCJ which has—as its reason for existence—the goal of bringing people together. NCCJ helps build ''communities of justice'' through an array of programs that reach our young people, extend into the workplace, and cross lines of faith. And events, such as this one, tonight, remind us all how important it is for each of us to strengthen our communities by ''giving back'' in some meaningful way. Some of us ''give back'' with our time and talents, enlivening Boards and Task Forces with our creative energies. Some of us ''give back'' by writing generous checks to support capital campaigns to expand our communities. Others of us have chosen to build a business, to pursue public service, or to mentor at-risk kids.

But through our individual actions, we're all saying that we understand the interpersonal bonds implied in the word ''community''—and the commitment in the word ''friendship.'' This room is filled with a community of people who are remarkably different from each other—in gender, race, national origin, sexual orientation, age, and religion. Yet we treasure our community so deeply that we have made a commitment to work together to make Delaware the kind of peaceful place in which we'd be proud to raise our children and our grandchildren. . . . A place that teaches not hatred or intolerance, but understanding, and respect among all peoples. Our community is not perfect, and our nation is not perfect. But there's virtue in the ongoing commitment to make it so—and the NCCJ is at the heart of that effort.

Speaking for the Cawleys, the Burrises and the Mobleys, I extend a very sincere thank

you for honoring us tonight. And we, in turn, salute and thank NCCJ for your tireless efforts at fostering a just and inclusive society, and for enriching the community we all cherish. Thank you.●

CONGRATULATING JOE PUNG

● Mr. LEVIN. Mr. President, I am so proud today to bring to the attention of my colleagues the good work of a young constituent of mine, Joe Pung of Smith Creek, MI. Joe Pung is an Eagle Scout with Troop 178 of Port Huron, MI, and as an Eagle Scout project, Joe undertook the establishment of a missing in action war memorial in the Goodells Community Park in St. Clair County, MI. Joe told me in a letter that he committed himself to this project because he felt ''very sad'' that the men and women who are missing in action from WWI, WWII, Korea, and Vietnam and who ''gave so much are forgotten by our community, and,'' he said, ''I would like to change this.'' And change this he did.

Joe, who graduated from Port Huron High School in June of last year, came up with a plan and raised all the money for this project, some $8,000, from local businesses. Using that money and several in-kind donations, including two three-ton cobblestone pillars, two lights, and stonework, Joe erected a 34-foot flagpole with the pillars on each side and the names of the missing in action and prisoners of war engraved on stone plaques on top of the pillars.

The memorial is going to be dedicated this Memorial Day, May 27. I know I speak for all of us in this body when I say ''congratulations'' to Joe for a job well-done, for thinking about those who have gone before us and who made the ultimate sacrifice for our freedoms, and for reminding us all about the real meaning of Memorial Day.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3167. An act to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 1, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. BYRD).

At 2:11 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3129. An act to authorize appropriations for fiscal years 2002 and 2003 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes.

H.R. 3717. An act to reform the Federal deposit insurance system, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3129. An act to authorize appropriations for fiscal years 2002 and 2003 of the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States. Trade Representative, for the United State International Trade Commission, and for other purposes; to the Committee on Finance.

H.R. 3717. An act to reform the Federal deposit insurance system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2538. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation To Subcommittees Of Budget Totals For Fiscal Year 2002.'' (Rept. No. 107–155).

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

H.R. 1366: A bill to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the ''Hector G. Godinez Post Office Building.''

H.R. 1374: A bill to designate the facility of the United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, as the ''Philip E. Ruppe Post Office Building.''

H.R. 3789: A bill to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the ''Teno Roncalio Post Office Building.''

H.R. 3960: A bill to designate the facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, as the ''Joseph W. Westmoreland Post Office Building.''

H.R. 4486: Official Title Not Available.

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title and with an amended preamble:

S. Res. 182: A resolution expressing the sense of the Senate that the United States should allocate significantly more resources to combat global poverty.

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. Res. 253: A resolution reiterating the sense of the Senate regarding Anti-Semitism and religious tolerance in Europe.

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

S. Res. 274: A resolution expressing the sense of the Senate concerning the 2002 World Cup and co-hosts Republic of Korea and Japan.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1868: A bill to establish a national center on volunteer and provider screening to reduce sexual and other abuse of children, the elderly, and individuals with disabilities.

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

S. 1970: A bill to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the ''Teno Roncalio Post Office Building.''

S. 1983: A bill to designate the facility of the United States Postal Service located at 201 Main Street, Lake Placid, New York, as the ''John A. ''Jack'' Shea Post Office Building.''

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

S. 1989: A bill to authorize the establishment of a National Cyber Security Defense Team for purposes of protecting the infrastructure of the Internet from terrorist attack.

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

S. 2217: A bill to designate the facility of the United States Postal Service located at 3101 West Sunflower Avenue in Santa Ana, California, as the ''Hector G. Godinez Post Office Building.''

S. 2433: A bill to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the ''Clarence B. Craft Post Office Building.''

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

S. 2487: A bill to provide for global pathogen surveillance and response.

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title and with an amended preamble:

S. Con. Res. 109: A concurrent resolution commemorating the independence of East Timor, and for other purposes.

A bill to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the ''Clarence B. Craft Post Office Building.''

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

D. Brooks Smith, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

Roslynn R. Mauskopf, of New York, to be United States Attorney for the Eastern District of New York for the term of four years.

Steven D. Deatherage, of Illinois, to be United States Marshal for the Central District of Illinois for the term of four years.

Thomas M. Fitzgerald, of Pennsylvania, to be United States Marshal for the Western District of Pennsylvania for the term of four years.

G. Wayne Pike, of Virginia, to be United States Marshal for the Western District of Virginia for the term of four years.

David William Thomas, of Delaware, to be United States Marshal for the District of Delaware for the term of four years.

By Mr. BIDEN for the Committee on Foreign Relations.

*David A. Gross, of Maryland, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for International Communications and Information Policy in the Bureau of Economic and Business Affairs and U.S. Coordinator for International Communications and Information Policy.

*Jack C. Chow, of Pennsylvania, for the rank of Ambassador during his tenure of service as Special Representative of the Secretary of State for HIV/AIDS.

*Paula A. DeSutter, of Virginia, to be an Assistant Secretary of State (Verification and Compliance).

*Stephen Geoffrey Rademaker, of Delaware, to be an Assistant Secretary of State (Arms Control).

*Michael Alan Guhin, of Maryland, a Career Member of the Senior Executive Service, for the rank of Ambassador during tenure of service as U.S. Fissile Material Negotiator.

Mr. BIDEN. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning Stephan Wasylko and ending Charles Kestenbaum, which nominations were received by the Senate and appeared in the Congressional Record on March 20, 2002.

Foreign Service nominations beginning Suzanne K. Hale and ending Maurice W. House, which nominations were received by the Senate and appeared in the Congressional Record on March 20, 2002.

Foreign Service nominations beginning Gary V. Kinney and ending James E. Stephenson, which nominations were received by the Senate and appeared in the Congressional Record on March 20, 2002.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SMITH of New Hampshire (for himself, Mr. MILLER, Mr. MURKOWSKI, Mr. BURNS, Mr. BUNNING, and Mr. THURMOND):

S. 2554. A bill to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS:

S. 2555. A bill to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program; to the Committee on Finance.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 2556. A bill to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mr. GRAHAM, Mr. ALLARD, Mr. KENNEDY, and Ms. MIKULSKI):

S. 2557. A bill to amend title XVIII of the Social Security Act to improve access to Medicare+Choice plans for special needs medicare beneficiaries, and for other purposes; to the Committee on Finance.

By Mr. REED (for himself, Mr. FITZGERALD, Ms. CANTWELL, and Mr. DEWINE):

S. 2558. A bill to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries; to the Committee on Health, Education, Labor, and Pensions.

By Mr. EDWARDS (for himself and Mrs. MURRAY):

S. 2559. A bill to expand research for women in trauma; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLARD (for himself, Mr. FEINGOLD, Mr. CAMPBELL, Mr. KOHL, and Mr. CRAIG):

S. 2560. A bill to provide for a multi-agency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER (by request):

S. 2561. A bill to amend title 38, United States Code, to transfer from the Secretary of Labor to the Secretary of Veterans Affairs certain responsibilities relating to the provision of employment and other services to veterans and other eligible persons; to require the establishment of a new competitive grants program through which employment services shall be provided to veterans, servicemembers, and other eligible persons; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. REID (for himself and Mr. COCHRAN):

S. 2562. A bill to expand research regarding inflammatory bowel disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself, Mr. KERRY, and Mr. TORRICELLI):

S. 2563. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 with respect to the interest rate range for additional funding requirements, and for other purposes; to the Committee on Finance.

By Mr. McCAIN:

S. 2564. A bill to modify the calculation of back pay for persons who were approved for promotion as members of the Navy and Marine Corps while interned as prisoners of war during World War II to take into account changes in the Consumer Price Index; to the Committee on Armed Services.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 2565. A bill to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. GREGG, Mrs. MURRAY, Mr. VOINOVICH, Mr. WELLSTONE, Mr. BOND, Mr. EDWARDS, Mr. STEVENS, and Mr. DEWINE):

S. 2566. A bill to improve early learning opportunities and promote school preparedness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself, Ms. CANTWELL, and Mr. INOUYE):

S. 2567. A bill to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Indian Affairs.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 2568. A bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to medicare beneficiaries residing in rural areas; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. LEVIN, Mr. HATCH, Mr. KERRY, Ms. COLLINS, Ms. LANDRIEU, Mr. CLELAND, and Ms. STABENOW):

S. 2569. A bill to award a congressional gold medal to Dr. Dorothy Height, in recognition of her many contributions to the Nation; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. COLLINS (for herself, Mr. NELSON of Nebraska, Mr. HUTCHINSON, Mrs. LINCOLN, Mr. SMITH of Oregon, and Mrs. CLINTON):

S. 2570. A bill to temporarily increase the Federal medical assistance percentage for the medicaid program, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2571. A bill to direct the Secretary of the Interior to conduct a special resources study to evaluate the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Mr. SANTORUM, Mr. LIEBERMAN, Mr. SMITH of Oregon, Ms. MIKULSKI, Mr. BROWNBACK, Mrs. MURRAY, and Mr. HUTCHINSON):

S. 2572. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Ms. COLLINS, Mr. SARBANES, Mr. CHAFEE, Mr. SCHUMER, Mr. AKAKA, Mr. CARPER, Mr. DODD, and Mr. CORZINE):

S. 2573. A bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH of Oregon (for himself, Mrs. FEINSTEIN, Mrs. MURRAY, Ms. LANDRIEU, Mr. DURBIN, and Mr. CORZINE):

S. Res. 275. A resolution expressing the sense of the Senate that the United States should renew its commitment to the world's mothers and children by increasing funding for basic child survival and maternal health programs of the United States Agency for International Development, and for other purposes; to the Committee on Foreign Relations.

By Mr. BOND:

S. Res. 276. A resolution designating the period beginning on June 10 and ending on June 14, 2002, as ''National Work Safe Week''; to the Committee on the Judiciary.

By Ms. SNOWE:

S. Res. 277. A resolution expressing the sense of the Senate regarding the policy of the United States at the 19th Annual Meeting of the North Atlantic Salmon Conservation Organization; to the Committee on Commerce, Science, and Transportation.

By Mr. LOTT (for himself, Mr. HELMS, Mr. WARNER, Mr. NICKLES, Mr. ALLARD, Mr. ALLEN, Mr. BENNETT, Mr. BOND, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DOMENICI, Mr. ENSIGN, Mr. ENZI, Mr. FITZGERALD, Mr. FRIST, Mr. GRAMM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HATCH, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. KYL, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. ROBERTS, Mr. SANTORUM, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, and Mr. VOINOVICH):

S. Res. 278. A resolution calling upon all Americans to recognize on this Memorial Day, 2002, the sacrifice and dedication of our Armed Forces and civilian national security agencies; considered and agreed to.

By Mr. DASCHLE (for himself and Mr. LOTT):

S. Res. 279. A resolution to modify the funding of the Jacob K. Javits Senate Fellowship Program; considered and agreed to.

By Mr. KENNEDY:

S. Con. Res. 117. A concurrent resolution to correct technical errors in the enrollment of the bill H.R. 3448; considered and agreed to.

By Mr. DASCHLE:

S. Con. Res. 118. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

ADDITIONAL COSPONSORS

S. 121

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 121, a bill to establish an Office of Children's Services within the Department of Justice to coordinate and implement Government actions involving unaccompanied alien children, and for other purposes.

S. 556

At the request of Mr. JEFFORDS, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 556, a bill to amend the Clean Air Act to reduce emissions from electric powerplants, and for other purposes.

S. 603

At the request of Mr. LIEBERMAN, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 603, a bill to provide for full voting representation in the Congress for the citizens of the District of Columbia to amend the Internal Revenue Code of 1986 to provide that individuals who are residents of the District of Columbia shall be exempt from Federal income taxation until such full voting representation takes effect, and for other purposes.

S. 808

At the request of Mr. BAUCUS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 808, a bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer.

S. 839

At the request of Mrs. HUTCHISON, the names of the Senator from Utah (Mr. BENNETT), the Senator from Hawaii (Mr. AKAKA), and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 871

At the request of Mr. CLELAND, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 871, a bill to amend chapter 83 of title 5, United States Code, to provide for the computation of annuities for air traffic controllers in a similar manner as the computation of annuities for law enforcement officers and firefighters.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1226

At the request of Mr. CAMPBELL, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1226, a bill to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.

S. 1258

At the request of Mr. DORGAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1258, a bill to improve academic and social outcomes for teenage youth.

S. 1282

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1282, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations.

S. 1350

At the request of Mr. DAYTON, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1350, a bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 1506

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 1506, a bill to amend title 10, United States Code, to repeal the requirement for reduction of SBP survivor annuities by dependency and indemnity compensation.

S. 1606

At the request of Mr. NELSON of Florida, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1606, a bill to amend title XI of the Social Security Act to prohibit Federal funds from being used to provide payments under a Federal health care program to any health care provider who charges a membership of any other extraneous or incidental fee to a patient as a prerequisite for the provision of an item or service to the patient.

S. 1678

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 1678, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services or the Foreign Service shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 1829

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1829, a bill to provide for transitional employment eligibility for qualified lawful permanent resident alien airport security screeners until their naturalization process is completed, and to expedite that process.

S. 1978

At the request of Mr. HUTCHINSON, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1978, a bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets.

S. 2006

At the request of Mr. GRAHAM, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2006, a bill to amend the Internal Revenue Code of 1986 to clarify the eligibility of certain expenses for the low-income housing credit.

S. 2007

At the request of Mr. INHOFE, the names of the Senator from Montana (Mr. BURNS) and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 2007, a bill to provide economic relief to general aviation entities that have suffered substantial economic injury as a result of the terrorist attacks perpetuated against the United States on September 11, 2001.

S. 2055

At the request of Ms. CANTWELL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2055, a bill to make grants to train sexual assault nurse examiners, law enforcement personnel, and first responders in the handling of sexual assault cases, to establish minimum standards for forensic evidence collection kits, to carry out DNA analyses of samples from crime scenes, and for other purposes.

S. 2116

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2116, a bill to reform the program of block grants to States for temporary assistance for needy families to help States address the importance of adequate, affordable housing in promoting family progress towards self-sufficiency, and for other purposes.

S. 2194

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2194, a bill to hold accountable the Palestine Liberation Organization and the Palestinian Authority, and for other purposes.

S. 2215

At the request of Mrs. BOXER, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2221

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2221, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program.

S. 2249

At the request of Mrs. CLINTON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2249, a bill to amend the Public Health Service Act to establish a grant program regarding eating disorders, and for other purposes.

S. 2428

At the request of Mr. KERRY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2428, a bill to amend the National Sea Grant College Program Act.

S. 2483

At the request of Mr. CLELAND, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2483, a bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes.

S. RES. 246

At the request of Mr. CAMPBELL, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Res. 246, a resolution demanding the return of the USS *Pueblo* to the United States Navy.

S. RES. 272

At the request of Mr. NELSON of Florida, the names of the Senator from Florida (Mr. GRAHAM) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. Res. 272, a resolution expressing the sense of the Senate regarding the success of the Varela Project's collection of 10,000 certified signatures in support of a national referendum and the delivery of these signatures to the Cuban National Assembly.

AMENDMENT NO. 3461

At the request of Mr. CORZINE, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 3461 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3462

At the request of Mr. CORZINE, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Arizona (Mr. KYL) were added as cosponsors of amendment No. 3462 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH of New Hampshire (for himself, Mr. MILLER, Mr. MURKOWSKI, Mr. BURNS, Mr. BUNNING, and Mr. THURMOND):

S. 2554. A bill to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. SMITH of New Hampshire. Mr. President, I'd like to talk about an issue of vital importance to the people of the United States. Is our government doing absolutely everything in its power to prevent another occurrence such as the one on September 11, where our own airplanes, full of innocent men, women, and children, were hijacked and turned into guided missiles, killing thousands? We have taken many steps to prevent this from happening again, such as increased security checks and reinforcing cockpit doors. But for some reason we hesitate to take the additional step of ensuring our aircrews have the ability as well to guard against the terrorist threat. Today, I am proud to represent a bipartisan coalition including Senator ZELL MILLER, Senator CONRAD BURNS, Senator FRANK MURKOWSKI, Senator JIM BUNNING, and Senator STROM THURMOND in introducing the Arming Pilots Against Terrorism and Cabin Defense Act of 2002.

Armed pilots are our first line of deterrence and the last line of defense to protect an aircraft from terrorist takeover. Trained Flight Attendants are an important part of an integrated, layered strategy to fight terrorists from the cabin to the cockpit. Flight Attendants need more training to defend themselves and the American people from future contemplated acts of terrorism.

This legislation sets up a voluntary program to train and deputize pilots in the proper use of a firearm. The bill further repeals the authority of the Undersecretary for Transportation Security to block armed pilots. The Senate passed legislation as part of the aviation and Transportation Security bill to authorize a pilot ''to carry a firearm into the cockpit if—(1) the Undersecretary of Transportation for Security Approves.'' For some reason, the Undersecretary has not approved this measure. It is time to mandate a program to train and arm pilots now.

Section 3 of the bill addresses the concerns of our Nation's Flight Attendants. The bill sets up detailed requirements and training which will prepare Flight Attendants for potential threat conditions. The bill further sets up a new Aviation Crewmember Self-Defense Division at the Department of Transportation to aid in the training of Flight Attendants.

The bill mandates the development and fielding of a wireless communications device system so the pilots may communicate with flight attendants discreetly. Finally, the Transportation Security Administration is required to study the issue of less than lethal weapons for Flight Attendants.

The opponents of armed pilots argue that firearms are too dangerous to be used in airplanes. Federal Air Marshals are armed with guns and they sit in the passenger cabin of commercial airliners. We should not prevent the pilots who are separated from the passengers by a reinforced cockpit door, and

again, serve as the last line of defense, from being armed. It is time to establish and implement a comprehensive training program, and arm pilots immediately after its completion.

Pilots have told me that a stun guns or a tazer is not the answer. Those two tools are a good supplement for a firearm, but they are not a replacement. Again, if firearms are good enough for the Federal Air Marshals, they are good enough for our Nation's pilots. An Air Force fighter jet shooting down a commercial airline full of passengers is a scary and unthinkable prospect. Armed pilots are a reasonable alternative to an Air Force Pilot shooting down a commercial airliner.

I disagree with the Undersecretary for Transportation Security that a reinforced cockpit door and armed Federal Air Marshals are the final answer. I believe that armed pilots and trained Flight Attendants give this Nation an integrated system to fight hijackers. Pilots working together with Flight Attendants are the best method to thwart the will of terrorists. Armed Pilots and trained Flight Attendants need to be given the tools to stop those who would use commercial aircraft to again attack at the heart of the United States of America.

Flight Attendants were executed on September 11 by terrorists. Giving Flight Attendants the training contained in the bill is the least we can do for these brave individuals. Don't forget that Flight Attendants were specifically targeted by the terrorists and this bill will help flight attendants to have a fighting chance.

This is an important and necessary tool in the war against terrorists. Please support and co-sponsor the Arming Pilots Against Terrorism and Cabin Defense Act of 2002.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2554

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Arming Pilots Against Terrorism and Cabin Defense Act of 2002''.

SEC. 2. FEDERAL FLIGHT DECK OFFICER PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

''§ 44921. Federal flight deck officer program

''(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, the Under Secretary of Transportation for Security shall establish a program to deputize qualified pilots of commercial cargo or passenger aircraft who volunteer for the program as Federal law enforcement officers to defend the flight decks of commercial aircraft of air carriers engaged in air transportation or intrastate air transportation against acts of criminal violence or air piracy. Such officers shall be known as 'Federal flight deck officers'. The program shall be administered in connection with the Federal air marshal program.

''(b) QUALIFIED PILOT.—Under the program described in subsection (a), a qualified pilot is a pilot of an aircraft engaged in air transportation or intrastate air transportation who—

''(1) is employed by an air carrier;

''(2) has demonstrated fitness to be a Federal flight deck officer in accordance with regulations promulgated pursuant to this title; and

''(3) has been the subject of an employment investigation (including a criminal history record check) under section 44936(a)(1).

''(c) TRAINING, SUPERVISION, AND EQUIPMENT.—The Under Secretary of Transportation for Security shall provide or make arrangements for training, supervision, and equipment necessary for a qualified pilot to be a Federal flight deck officer under this section at no expense to the pilot or the air carrier employing the pilot. The Under Secretary may approve private training programs which meet the Under Secretary's specifications and guidelines. Air carriers shall make accommodations to facilitate the training of their pilots as Federal flight deck officers and shall facilitate Federal flight deck officers in the conduct of their duties under this program.

''(d) DEPUTIZATION.—

''(1) IN GENERAL.—The Under Secretary of Transportation for Security shall train and deputize, as a Federal flight deck officer under this section, any qualified pilot who submits to the Under Secretary a request to be such an officer.

''(2) INITIAL DEPUTIZATION.—Not later than 120 days after the date of enactment of this section, the Under Secretary shall deputize not fewer than 500 qualified pilots who are former military or law enforcement personnel as Federal flight deck officers under this section.

''(3) FULL IMPLEMENTATION.—Not later than 24 months after the date of enactment of this section, the Under Secretary shall deputize any qualified pilot as a Federal flight deck officer under this section.

''(e) COMPENSATION.—Pilots participating in the program under this section shall not be eligible for compensation from the Federal Government for services provided as a Federal flight deck officer.

''(f) AUTHORITY TO CARRY FIREARMS.—The Under Secretary of Transportation for Security shall authorize a Federal flight deck officer under this section to carry a firearm to defend the flight deck of a commercial passenger or cargo aircraft while engaged in providing air transportation or intrastate air transportation. No air carrier may prohibit a Federal flight deck officer from carrying a firearm in accordance with the provisions of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002.

''(g) AUTHORITY TO USE FORCE.—Notwithstanding section 44903(d), a Federal flight deck officer may use force (including lethal force) against an individual in the defense of a commercial aircraft in air transportation or intrastate air transportation if the officer reasonably believes that the security of the aircraft is at risk.

''(h) LIMITATION ON LIABILITY.—

''(1) LIABILITY OF AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the air carrier employing a pilot of an aircraft who is a Federal flight deck officer under this section or out of the acts or omissions of the pilot in defending an aircraft of the air carrier against acts of criminal violence or air piracy.

''(2) LIABILITY OF FEDERAL FLIGHT DECK OFFICERS.—A Federal flight deck officer shall not be liable for damages in any action brought in a Federal or State court arising out of the acts or omissions of the officer in defending an aircraft against acts of criminal violence or air piracy unless the officer is guilty of gross negligence or willful misconduct.

''(3) EMPLOYEE STATUS OF FEDERAL FLIGHT DECK OFFICERS.—A Federal flight deck officer shall be considered an 'employee of the Government while acting within the scope of his office or employment' with respect to any act or omission of the officer in defending an aircraft against acts of criminal violence or air piracy, for purposes of sections 1346(b), 2401(b), and 2671 through 2680 of title 28 United States Code.

''(i) REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Under Secretary of Transportation for Security, in consultation with the Firearms Training Unit of the Federal Bureau of Investigation, shall issue regulations to carry out this section.

''(j) PILOT DEFINED.—In this section, the term 'pilot' means an individual who is responsible for the operation of an aircraft, and includes a co-pilot or other member of the flight deck crew.''.

(b) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for such chapter 449 is amended by inserting after the item relating to section 44920 the following new item:

''44921. Federal flight deck officer program.''.

(2) EMPLOYMENT INVESTIGATIONS.—Section 44936(a)(1)(B) is amended—

(A) by aligning clause (iii) with clause (ii);

(B) by striking ''and'' at the end of clause (iii);

(C) by striking the period at the end of clause (iv) and inserting ''; and''; and

(D) by adding at the end the following:

''(v) qualified pilots who are deputized as Federal flight deck officers under section 44921.''.

(3) FLIGHT DECK SECURITY.—Section 128 of the Aviation and Transportation Security Act (49 U.S.C. 44903 note) is repealed.

SEC. 3. CABIN SECURITY.

(a) TECHNICAL AMENDMENTS.—Section 44903, of title 49, United States Code, is amended—

(1) by redesignating subsection (h) (relating to authority to arm flight deck crew with less-than-lethal weapons, as added by section 126(b) of public law 107-71) as subsection (j); and

(2) by redesignating subsection (h) (relating to limitation on liability for acts to thwart criminal violence or aircraft piracy, as added by section 144 of public law 107-71) as subsection (k).

(b) AVIATION CREWMEMBER SELF-DEFENSE DIVISION.—Section 44918 of title 49, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) IN GENERAL.—

''(1) REQUIREMENT FOR AIR CARRIERS.—Not later than 60 days after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, the Under Secretary of Transportation for Security, shall prescribe detailed requirements for an air carrier cabin crew training program, and for the instructors of that program as described in subsection (b) to prepare crew members for potential threat conditions. In developing the requirements, the Under Secretary shall consult with appropriate law enforcement personnel who have expertise in self-defense training, security experts, and terrorism experts, and representatives of air carriers and labor organizations representing individuals employed in commercial aviation.

''(2) AVIATION CREWMEMBER SELF-DEFENSE DIVISION.—Not later than 60 days after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, the Under Secretary of Transportation for Security shall establish an Aviation Crew Self-Defense Division within the Transportation Security Administration. The Division shall develop and administer the implementation of the requirements described in this section. The Under Secretary shall appoint a Director of the Aviation Crew Self-Defense Division who shall be the head of the Division. The Director shall report to the Under Secretary. In the selection of the Director, the Under Secretary shall solicit recommendations from law enforcement, air carriers, and labor organizations representing individuals employed in commercial aviation. The Director shall have a background in self-defense training, including military or law enforcement training with an emphasis in teaching self-defense and the appropriate use force. Regional training supervisors shall be under the control of the Director and shall have appropriate training and experience in teaching self-defense and the appropriate use of force.'';

(2) by striking subsection (b), and inserting the following new subsection:

''(b) PROGRAM ELEMENTS.—

''(1) IN GENERAL.—The requirements prescribed under subsection (a) shall include, at a minimum, 28 hours of self-defense training that incorporates classroom and situational training that contains the following elements:

''(A) Determination of the seriousness of any occurrence.

''(B) Crew communication and coordination.

''(C) Appropriate responses to defend oneself, including a minimum of 16 hours of hands-on training, with reasonable and effective requirements on time allotment over a 4 week period, in the following levels of self-defense:

''(i) awareness, deterrence, and avoidance;

''(ii) verbalization;

''(iii) empty hand control;

''(iv) intermediate weapons and self-defense techniques; and

''(v) deadly force.

''(D) Use of protective devices assigned to crewmembers (to the extent such devices are approved by the Administrator or Under Secretary).

''(E) Psychology of terrorists to cope with hijacker behavior and passenger responses.

''(F) Live situational simulation joint training exercises regarding various threat conditions, including all of the elements required by this section.

''(G) Flight deck procedures or aircraft maneuvers to defend the aircraft.

''(2) PROGRAM ELEMENTS FOR INSTRUCTORS.—The requirements prescribed under subsection (a) shall contain program elements for instructors that include, at a minimum, the following:

''(A) A certification program for the instructors who will provide the training described in paragraph (1).

''(B) A requirement that no training session shall have fewer than 1 instructor for every 12 students.

''(C) A requirement that air carriers provide certain instructor information, including names and qualifications, to the Aviation Crew Member Self-Defense Division within 30 days after receiving the requirements described in subsection (a).

''(D) Training course curriculum lesson plans and performance objectives to be used by instructors.

''(E) Written training bulletins to reinforce course lessons and provide necessary progressive updates to instructors.

''(3) RECURRENT TRAINING.—Each air carrier shall provide the training under the program every 6 months after the completion of the initial training.

''(4) INITIAL TRAINING.—Air carriers shall provide the initial training under the program within 24 months of the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002.

''(5) COMMUNICATION DEVICES.—The requirements described in subsection (a) shall include a provision mandating that air carriers provide flight and cabin crew with a discreet, hands-free, wireless method of communicating with the flight deck.''; and

(3) by adding at the end the following new subsections:

''(f) RULEMAKING AUTHORITY.—Notwithstanding subsection (j) (relating to authority to arm flight deck crew with less than-lethal weapons) of section 44903, of this title, within 180 days after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, the Under Secretary of Transportation for Security, in consultation with persons described in subsection (a)(1), shall prescribe regulations requiring air carriers to—

''(1) provide adequate training in the proper conduct of a cabin search and allow adequate duty time to perform such a search; and

''(2) conduct a preflight security briefing with flight deck and cabin crew and, when available, Federal air marshals or other authorized law enforcement officials.

''(g) LIMITATION ON LIABILITY.—

''(1) AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the acts or omissions of the air carrier's training instructors or cabin crew using reasonable and necessary force in defending an aircraft of the air carrier against acts of criminal violence or air piracy.

''(2) TRAINING INSTRUCTORS AND CABIN CREW.—An air carrier's training instructors or cabin crew shall not be liable for damages in any action brought in a Federal or State court arising out of an act or omission of a training instructor or a member of the cabin crew regarding the defense of an aircraft against acts of criminal violence or air piracy unless the crew member is guilty of gross negligence or willful misconduct.''.

(c) NONLETHAL WEAPONS FOR FLIGHT ATTENDANTS.—

(1) STUDY.—The Under Secretary of Transportation for Security shall conduct a study to determine whether possession of a nonlethal weapon by a member of an air carrier's cabin crew would aid the flight deck crew in combating air piracy and criminal violence on commercial airlines.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Under Secretary of Transportation for Security shall prepare and submit to Congress a report on the study conducted under paragraph (1).

By Mr. BAUCUS:

S. 2555. A bill to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the Medicare Program; to the Committee on Finance.

Mr. BAUCUS. Mr. President, Congress has its hands full with health policy issues this year, ranging from health insurance for workers displaced by trade policies, to the Patients' Bill of Rights, to Medicare prescription drugs. All of these issues are pressing. But Congress must not lose sight of another pressing issue in health policy: supporting patients in rural America and the health care providers who care for them.

Under current law, rural areas are confronted with a series of inequities in Medicare payment policy. Few of these inequities have any basis in sound policy; and all of them take away precious resources from rural communities.

Today, I am introducing legislation to level the rural playing field. The Revitalizing Underserved Rural Areas and Localities Act, the RURAL Act, would fix many of the inequities that exist under the current system and offer extra help to certain providers who struggle to operate in a rural, low-volume environment.

Many of these changes would impact Medicare payments to hospitals. First, the bill provides a full inflation update for small urban and rural hospitals. Under current law, hospitals are scheduled to receive a payment increase that is 0.55 percent less than the rate of inflation next year. The RURAL Act would erase that reduction in Fiscal Year 2003. My bill would also equalize the base payment amount for hospital inpatient services. Under current law, the base payment amount, also known as the ''standardized amount,'' is lower for rural and small urban hospitals than for urban providers. This system unfairly penalizes smaller facilities, and I want to change to a single, equal rate.

The RURAL Act would also make gradual changes to the hospital wage index, so that the true cost of providing care in rural areas can be more accurately measured. And the bill recognizes the special needs of providers with low patient volumes, by giving them incremental payment increases based on their patient volume.

My bill also addresses several ambulance issues that I've heard a lot about from the rural health care community. It makes clear that when providers have a reasonable medical basis for using an air ambulance, they should receive proper payment for that service. And it would allow hospitals with 25 beds or less to be reimbursed on a cost basis for ambulance services.

The bill contains special provisions for the roughly 600 critical access hospitals, or CAHs, nationwide. First, it says that when a patient is referred to a CAH for lab services, the hospital is reimbursed on a cost basis. It would also modify the emergency room on-call rules to allow reimbursements to physician assistants, nurse practitioners, and clinical nurse specialists. And it would remove CAHs' 35-mile requirement for cost-based ambulance reimbursement.

I also recognize the enormous challenges of delivering home health services in rural and frontier areas, where distance and volume constantly work against the provider. That's why my

bill would extend the 10 percent add-on for home health services delivered in rural areas for another three years. And for agencies in so-called ''frontier'' areas, there would be a 20 percent add-on.

Finally, my bill includes provisions aimed at helping physicians who practice in rural areas. Under the existing system, payments under the physician fee schedule are reduced for rural doctors, often substantially, by a factor known as the Geographic Practice Cost Index, or GPCI. My bill would put a floor on this factor, increasing payments to rural physicians. The bill would also improve the Medicare Incentive Payment Program, MIPP, an important initiative intended to facilitate recruitment and retention of physicians in rural areas. Finally, while the sustainable growth rate payment formula is not addressed in this legislation, I believe it is critical that Congress act this year to mitigate the drastic cuts in payments under the Medicare physician fee schedule.

This bill represents a starting point, a first step towards correcting flawed policies that punish rural areas. As the Finance Committee considers Medicare legislation in the coming months, I urge my colleagues to support these important rural provisions.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 2556. A bill to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho; to the Committee on Energy and Natural Resources.

Mr. CRAPO. Mr. President, I rise today to introduce the Fremont-Madison Conveyance Act. The purpose of this act is to authorize the Secretary of the Interior to convey title to certain facilities to the Fremont-Madison Irrigation District.

The District has long operated and maintained these facilities since they were constructed and the United States will be fully reimbursed for the cost of construction by the time of the transfer. Under this title transfer, there is expected to be no change in the operation of the facilities. The measure would also require any necessary actions to be taken to comply with the National Environmental Policy Act and local environmental needs.

This proposal is consistent with Bureau of Reclamation policy to transfer title to facilities to irrigation districts that have long operated and maintained those facilities. As you know, Congress has authorized similar title transfers in the past and it would be appropriate to do so for this district.

By Mr. HATCH (for himself, Mr. GRAHAM, Mr. ALLARD, Mr. KENNEDY, and Ms. MIKULSKI):

S. 2557. A bill to amend title XVIII of the Social Security Act to improve access to Medicare+Choice plans for special needs medicare beneficiaries, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce legislation that will help one of the most vulnerable segments of the Medicare population; the Medicare Improvements for Special Needs Beneficiaries Act of 2002 will improve access to quality health care for frail, elderly Medicare beneficiaries living in nursing homes or the community.

Approximately six million of these individuals are eligible for both Medicare and Medicaid coverage. These ''dual eligibles,'' as they are called, are the most vulnerable group of Medicare beneficiaries. They are elderly or disabled and poor, and many have serious health risks and complex medical, social, and long-term care needs. Care for these beneficiaries is fragmented, and many face barriers to needed services. Dual eligibles represent a disproportionate share of Medicare spending.

A small number of health plans specialized in providing quality coordinated care to frail elderly Medicare beneficiaries through demonstrations and the Medicare+Choice program. These specialized plans are a Medicare+Choice success story, fulfilling the program's original goals by employing innovative clinical models of care that improve care and health outcomes while reducing medical costs. These plans currently serve approximately 25,000 Medicare beneficiaries, most of whom reside in nursing homes.

The model is simple: teams of physicians and nurse practitioners work together to provide as much primary, preventive, and acute care as possible on site, in a nursing home facility or in the patient's home. For institutionalized enrollees, this means fewer trips to the emergency room; for community-based enrollees, it means avoiding nursing home placement. If enrollees can be treated successfully without a trip to the hospital or placement in a nursing home, they remain healthier and costs to the Medicare program are reduced.

These specialized plans are currently facing regulatory barriers that prevent them from becoming permanent Medicare+Choice program options and expanding service to frail and elderly beneficiaries in the community. The Medicare Improvements for Special Needs Beneficaries Act of 2002 provides improved beneficiary access to Medicare+Choice plans by removing these barriers and allowing plans to specialize in serving dual eligible, institutionalized, and other frail beneficiaries.

Specially, the bill would allow a special Medicare+Choice program designation in order to allow these plans to target enrollment to the frail elderly and concentrate care on this vulnerable population. As a safeguard, our bill also includes several quality assurance and reporting requirements which these plans must adhere to in order to remain in the program.

The Congress is continually trying to improve our nation's health care system and improve service for Medicare beneficiaries. I believe this legislation takes a small step toward this goal. These programs are fulfilling the original promise of the Medicare+Choice program to improve quality and lower costs, and this legislation is a no-cost way to continue this effort. These plans serve a unique and valuable purpose for a very vulnerable segment of our society. I hope my colleagues will join me in supporting this important legislation.

Mr. GRAHAM. Mr. President, I rise today to introduce legislation to improve the health and healthcare of one of the most fragile groups within our Medicare population. The Medicare Improvements for Special Needs Beneficiaries Act of 2002 would improve access to quality healthcare for frail, elderly Medicare beneficiaries living in nursing homes or the community. Approximately 6 million of these individuals are eligible for both Medicare and Medicaid coverage, so-called ''dual eligibles.''

These ''dual eligibles'' deserve our greatest attention. They are vulnerable financially as well as medically. Typically, these older Americans suffer from the chronic health conditions compounded by complex social and acute care needs. Further, even with the best of intentions, their healthcare delivery is often limited by a health system that is fragmented and poorly coordinated. Despite 28 percent of Medicare spending going toward their care, the system fails at delivering optimal coordinated health services.

While we have looked for success in our current Medicare+Choice plans, we find a system that is in need of serious restructuring and development. On the other hand, a small number of health plans already specialize in providing the quality coordinated care that this vulnerable group needs. These plans are truly a Medicare+Choice success story, however, limited through their demonstration status and relative small number. They have documented an improvement in care delivery as well as health outcomes while actually reducing overall medical costs! These plans currently serve 25,000 Medicare beneficiaries, most of whom are institutionalized.

How does this work? Through facilitating the physicians, nurses, and other health professionals to work together toward a common goal: better quality of life and health. By emphasizing preventive and primary care as much as acute and tertiary care, these care-givers look as much at getting through a crisis as they do at preventing the next adverse health event. This leads to fewer urgent and emergent healthcare visits, decreased need for skilled nursing facility placements, and shorter and fewer hospitalizations. Anyone who has visited an elder in the hospital knows that the cost of this care, however great, is small compared

to the unsettling nature of the event itself. Avoiding both is a win!

While the improvement in healthcare delivery and costs are important, these plans can point to genuine improvements in health and quality of life. The quality of life toward the end of the lifespan should be no less important than it is when we are younger. Communication and involvement of the beneficiary's family, when possible, also leads to greater peace of mind and less anxiety for all.

Evercare, an affiliate of the United Health Group, has participated in the demonstration project since 1995. In that time they have developed considerable experience and great success. They have reduced inpatient hospitalizations, patient mortality and improved clinical indicators of quality. All the while, they have also consistently achieved a 95% satisfaction rate among family members.

In this demonstration project, Evercare has increased the vaccination rate for pneumonia to ⅔ from less than half for most nursing home residents. Flu vaccine is delivered to 20 percent more patients than in the standard care system, and over 90 percent of the residents have had documented discussions around their future care, compared with less than 40 percent among general nursing home residents.

The time and effort spent on this demonstration project by Evercare and others has given us the necessary information to move forward and offer such care to the much larger group of seniors that might benefit. However, these plans are continuing to face substantial hurdles to becoming permanent M+C options and expanding services to more beneficiaries. The Medicare Improvements for Special Needs Beneficiaries Act of 2002 provides improved access to these plans by removing the barriers and allowing plans to specialize in serving dual eligible, institutionalized, and other frail beneficiaries.

This bill will allow a special ''Medicare+Choice'' program designation in order to allow plans to target enrollment to the frail elderly and concentrate care on this vulnerable population. The bill includes specific quality assurance and reporting requirements to ensure that these programs continue their success in improving health and healthcare.

While we seek more and better means of improving service for our Medicare beneficiaries, we should not lose sight of some of the small success. Leveraging the success of the demonstration group. This piece of legislation will enable these programs to grow and mature, without additional cost. I hope my colleagues will join me in supporting this piece of legislation.

By Mr. REED (for himself, Mr. FITZGERALD, Ms. CANTWELL, and Mr. DEWINE):

S. 2558. A bill to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I rise today to introduce the Bengin Brain Tumor Cancer Registries Amendment Act. I am pleased to be joined by my colleagues, Senators FITZGERALD, CANTWELL, and DEWINE in this effort.

This legislation seeks to ensure that all forms of brain tumors are accounted for under the National Program of Cancer Registries. While the distinction between benign and malignant is often the difference between life and death for many kinds of tumors, it is not so clear when it comes to tumors of the brain. Depending on location and size, a brain tumor that is classified as benign can be equally life threatening as a malignant brain tumor.

It is estimated that benign brain tumors account for almost 40 percent of the 35,000 brain tumors diagnosed each year. Currently, 21 States, including my home State of Rhode Island, collect data on malignant as well as benign brain tumors. Yet, there is no mechanism in place to track the incidence of benign brain tumors at the Federal level. Moreover, variation exists in how different states have defined a benign brain tumor. This lack of consistent data on the incidence of benign brain tumors has hindered the ability of the scientific community to invest appropriate resources into brain tumor research.

While our current data is insufficient, disturbing trends related to brain tumors are nevertheless beginning to emerge. Brain tumors are the second leading cause of cancer death for children and the third leading cause of cancer death in young adults ages 15–34. Since 1975, the incidence of brain tumors has increased 25 percent for reasons that remain unknown. Tragically, our limited scientific and medical understanding of brain tumors is related to their incredibly high mortality rates. Only 37 percent of males and 52 percent of females survive five-years following the diagnosis of a primary benign or malignant brain tumor.

By incorporating the collection of benign brain tumor data into the National Program of Cancer Registries, we will take a crucial first step toward better understanding the possible causes of this affliction and enhancing the ability of the medical community to devise improved methods of diagnosis and treatment for all brain tumors.

I look forward to working with my colleagues to ensure swift consideration and passage of this legislation. I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2558

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Benign Brain Tumor Cancer Registries Amendment Act''.

SEC. 2. NATIONAL PROGRAM OF CANCER REGISTRIES; BENIGN BRAIN-RELATED TUMORS AS ADDITIONAL CATEGORY OF DATA COLLECTED.

(a) IN GENERAL.—Section 399B of the Public Health Service Act (42 U.S.C. 280e), as redesignated by section 502(2)(A) of Public Law 106–310 (114 Stat. 1115), is amended in subsection (a)—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively and indenting appropriately;

(2) by striking ''(a) IN GENERAL.—The Secretary'' and inserting the following:

''(a) IN GENERAL.—

''(1) STATEWIDE CANCER REGISTRIES.—The Secretary'';

(3) in the matter preceding subparagraph (A) (as so redesignated), by striking ''population-based'' and all that follows through ''data'' and inserting the following: ''population-based, statewide registries to collect, for each condition specified in paragraph (2)(A), data''; and

(4) by adding at the end the following:

''(2) CANCER; BENIGN BRAIN-RELATED TUMORS.—

''(A) IN GENERAL.—For purposes of paragraph (1), the conditions referred to in this paragraph are the following:

''(i) Each form of in-situ and invasive cancer (with the exception of basal cell and squamous cell carcinoma of the skin), including malignant brain-related tumors.

''(ii) Benign brain-related tumors.

''(B) BRAIN-RELATED TUMOR.—For purposes of subparagraph (A):

''(i) The term 'brain-related tumor' means a listed primary tumor (whether malignant or benign) occurring in any of the following sites:

''(I) The brain, meninges, spinal cord, cauda equina, a cranial nerve or nerves, or any other part of the central nervous system.

''(II) The pituitary gland, pineal gland, or craniopharyngeal duct.

''(ii) The term 'listed', with respect to a primary tumor, means a primary tumor that is listed in the International Classification of Diseases for Oncology (commonly referred to as the ICD-O).

''(iii) The term 'International Classification of Diseases for Oncology' means a classification system that includes topography (site) information and histology (cell type information) developed by the World Health Organization, in collaboration with international centers, to promote international comparability in the collection, classification, processing, and presentation of cancer statistics. The ICD-O system is a supplement to the International Statistical Classification of Diseases and Related Health Problems (commonly known as the ICD) and is the standard coding system used by cancer registries worldwide. Such term includes any modification made to such system for purposes of the United States. Such term further includes any published classification system that is internationally recognized as a successor to the classification system referred to in the first sentence of this clause.

''(C) STATEWIDE CANCER REGISTRY.—References in this section to cancer registries shall be considered to be references to registries described in this subsection.''.

(b) APPLICABILITY.—The amendments made by subsection (a) apply to grants under section 399B of the Public Health Service Act

for fiscal year 2002 and subsequent fiscal years, except that, in the case of a State that received such a grant for fiscal year 2000, the Secretary of Health and Human Services may delay the applicability of such amendments to the State for not more than 12 months if the Secretary determines that compliance with such amendments requires the enactment of a statute by the State or the issuance of State regulations.

By Mr. ALLARD (for himself, Mr. FEINGOLD, Mr. CAMPBELL, Mr. KOHL, and Mr. CRAIG):

S. 2560. A bill to provide for a multi-agency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. ALLARD. Mr. President, I rise before my colleagues today to address the very serious matter of chronic wasting disease. As a United States Senator, chronic wasting disease presents a great animal health challenge. As a Veterinarian, chronic wasting disease presents an even greater challenge to the scientific communities of both the States and the Federal Government. In a mounting bipartisan effort to defeat the disease, I, along with Senators FEINGOLD, KOHL and CAMPBELL, introduce the ''Chronic Wasting Disease State Support Act of 2002.''

The importance of the title cannot be emphasized enough. Although the bill authorizes a substantial amount Federal funding to fight and eradicate the disease, the States will retain their undisputed primacy and policy-making authority with regard to wildlife management. Nothing in this act interferes with or otherwise affects the primacy of the States in managing wildlife generally, or managing, surveying and monitoring the incidence of chronic wasting disease.

Chronic wasting disease, or CWD, may be a new threat to some. Others may not be familiar with it at all. However, it is not new to those of us in Colorado and Wyoming, who have been dealing with it for over twenty years, and if the disease continues to spread, those unfamiliar with the fatal disease will, in time, become experts in CWD policy. The scientific community has gone to great lengths to deal with the disease on limited budgets. These experts, through scientific publication and Congressional hearings, have told us that, although we have learned a tremendous amount about chronic wasting disease, there is much that we do not know and much that we must do to eradicate it. One thing we do know is that sound science is the answer, and that the Chronic Wasting Disease State Support Act of 2002 is intended to greatly increase research, monitoring, surveillance, and management of the disease on all levels.

Increased research and research funding is necessary because the disease is quite simply a mystery—the origin and transmission of CWD is unknown. Unfortunately, the treatment for chronic wasting disease is all too familiar. The only way to treat an animal or to contain the disease is to destroy the animal and cull the herd. Together, we must embark on an ambitious and sound scientific commitment for research and investigation to end chronic wasting disease. That is what this bill calls for—cooperation and collaboration, working together at both the state and federal level to achieve a common objective. We must end chronic wasting disease, and we must begin our eradication efforts now.

The impact CWD will have on wildlife and agriculture is undeniable, and the economic and emotional toll of the disease cannot be overstated. Communities that are economically reliant upon deer and elk related enterprises will feel the impact of CWD as concern about the disease grows. But we can stop this, and we must stop this. We have an opportunity to restore cervid health, to contain the disease, and, most importantly, to eradicate the disease. This is the challenge that I urge my colleagues to accept, and to take decisive action; adequate research funding that is directed toward the complete eradication of chronic wasting disease starts with this authorizing legislation.

In those States that are already dealing with CWD, the fiscal demands required to manage the disease is quite apparent. State budgets are stretched thin as they cull wild and captive herds and research for workable solutions to stop the disease. An infusion of Federal resources and technical assistance is required to help the States keep CWD from spreading, to treat infected or exposed populations, and to greatly expand research for testing and possible cures. This bill does just that by providing assistance in the form of grants, Federal research programs and incidence reporting, as well as scientific assistance. State and federal cooperation will protect animal welfare, safeguard our valued livestock industry, provide relief to family elk ranchers, help guarantee America's food safety, and protect the public health.

The Chronic Wasting Disease Act of 2002 provides the foundation for a nationwide increase in diagnostic capabilities. Undoubtedly, the spread of CWD and the increased awareness of the disease, will cause the demand for testing to grow exponentially—this bill helps us prepare to handle a large volume of cases efficiently and reliably. The legislation calls for the development of new testing methods to help us understand the disease, as well as developing a live test.

Chronic wasting disease presents a common problem to the states and the federal government. The federal conduit role that is provided in the bill will allow animal health experts to unravel the CWD mystery. The challenge we face is to achieve what we all recognize as a common objective—to understand CWD and to eradicate it. But, we must act quickly or this disease will redefine the wildlife characteristics of our States. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2560

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Chronic Wasting Disease State Support Act of 2002''.

SEC. 2. DEFINITION OF CHRONIC WASTING DISEASE.

In this Act, the term ''chronic wasting disease'' means the animal disease afflicting deer and elk that—

(1) is a transmissible disease of the nervous system resulting in distinctive lesions in the brain; and

(2) belongs to the group of diseases known as transmissible spongiform encephalopathies, which group includes scrapie, bovine spongiform encephalopathy, and Cruetzfeldt-Jakob disease.

SEC. 3. FINDINGS.

Congress finds the following:

(1) Pursuant to State and Federal law, the States retain undisputed primacy and policy-making authority with regard to wildlife management, and nothing in this Act interferes with or otherwise affects the primacy of the States in managing wildlife generally, or managing, surveying, and monitoring the incidence of chronic wasting disease.

(2) Chronic wasting disease, the fatal neurological disease found in cervids, is a fundamental threat to the health and vibrancy of deer and elk populations, and the increased occurrence of chronic wasting disease in regionally diverse locations in recent months necessitates an escalation in research, surveillance, monitoring, and management activities focused on containing, managing, and eradicating this lethal disease.

(3) As the States move to manage existing incidence of chronic wasting disease and insulate non-infected wild and captive cervid populations from the disease, the Federal Government should endeavor to provide integrated and holistic financial and technical support to these States.

(4) In its statutory role as supporting agent, relevant federal agencies should provide consistent, coherent, and integrated support structures and programs for the benefit of State wildlife and agricultural administrators, as chronic wasting disease can move freely between captive and wild cervids across the broad array of Federal, State, and local land management jurisdictions.

(5) The Secretary of the Interior, the Secretary of Agriculture, and other affected Federal authorities can provide consistent, coherent, and integrated support systems under existing legal authorities.

TITLE I—DEPARTMENT OF THE INTERIOR ACTIVITIES

SEC. 101. COMPUTER MODELING OF DISEASE SPREAD IN WILD CERVID POPULATIONS.

(a) MODELING PROGRAM REQUIRED.—The Secretary of Interior shall establish a modeling program to predict the spread of chronic wasting disease in wild deer and elk in the United States.

(b) ROLE.—Computer modeling shall be used to identify areas of potential disease concentration and future outbreak and shall be made available for the purposes of targeting public and private chronic wasting disease control efforts.

(c) DATA INTEGRATION.—Information shall be displayed in a GIS format to support management use of modeling results, and shall be displayed integrated with the following:

(1) Land use data.

(2) Soils data.

(3) Elevation data.

(4) Environmental conditions data

(5) Wildlife data; and

(6) Other data as appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior $1,000,000 under this section.

SEC. 102. SURVEILLANCE AND MONITORING PROGRAM REGARDING PRESENCE OF CHRONIC WASTING DISEASE IN WILD HERD OF DEER AND ELK.

(a) PROGRAM DEVELOPMENT.using existing authorities, the Secretary of the Interior, acting through the United States Geological Survey, shall conduct a surveillance and monitoring program on federal lands managed by the Secretary to identify—

(1) the incidence of chronic wasting disease infection in wild herds of deer and elk;

(2) the cause and extend of the spread of the disease; and

(3) potential reservoirs of infection and vectors promoting the spread of the disease.

(b) TRIBAL ASSISTANCE.—In developing the surveillance and monitoring program for wild herds on federal lands, the Secretary of the interior shall provide assistance to tribal governments or tribal government entities responsible for managing and controlling chronic wasting disease in wildlife on tribal lands.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior $3,000,000 to establish and support the surveillance and monitoring program.

TITLE II—DEPARTMENT OF AGRICULTURE ACTIVITIES

SEC. 201. NATIONAL REPOSITORY OF INFORMATION REGARDING CHRONIC WASTING DISEASE.

(a) INFORMATION REPOSITORY.—The United States Department of Agriculture, using existing authorities, shall develop and maintain an interactive, Internet-based web site that displays—

(1) surveillance and monitoring program data regarding chronic wasting disease in both wild and captive cervid populations and other wildlife that are collected by the Department of Agriculture, the Department of the Interior, other Federal agencies, and State agencies assisted under this Act; and

(2) modeling information regarding the spread of chronic wasting disease in the United States; and

(3) other relevant information regarding chronic wasting disease received from other sources.

(b) INFORMATION SHARING POLICY.—The national repository shall be available as a resource for federal and state agencies responsible for managing and controlling chronic wasting disease and for institutions of higher education and other public or private research entities conducting research regarding chronic wasting disease. Data from the repository shall be made available to other federal agencies, State agencies and the general public upon request.

SEC. 202. SAMPLING AND TESTING PROTOCOLS.

(a) SAMPLING PROTOCOL.—Within 30 days of enactment of this Act, the Secretary of Agriculture shall release guidelines for the use by federal, state, tribal and local agencies for the collection of animal tissue to be tested for chronic wasting disease. Guidelines shall include, at a minimum, procedures for the collection and stabilization of tissue samples for transport for laboratory assessment. Such guidelines shall be updated as necessary.

(b) TESTING PROTOCOL.—Within 30 days of enactment of this Act, the Secretary of Agriculture shall release a protocol to be used in the laboratory assessment of samples of animal tissue that may be contaminated with chronic wasting disease.

(c) LABORATORY CERTIFICATION.—Within 45 days of enactment of this Act, the Secretary of Agriculture shall develop a program for the inspection and certification of federal and non-federal laboratories conducting chronic wasting disease tests.

(d) DEVELOPMENT OF NEW TESTS.—The Secretary of Agriculture shall accelerate research into the development of live animal tests for chronic wasting disease, including field diagnostic tests, and the development of testing protocols that reduce laboratory test processing time.

SEC. 203. ERADICATION OF CHRONIC WASTING DISEASE IN HERDS OF DEER AND ELK.

(a) CAPTIVE HERD PROGRAM DEVELOPMENT.—The Secretary of Agriculture, acting through the Animal and Plant Health Inspection Service, shall develop a program to identify the rate of chronic wasting disease infection in captive herds of deer and elk, the cause and extent of the spread of the disease, and potential reservoirs of infection and vectors promoting the spread of the disease.

(1) IMPLEMENTATION.—The Secretary of Agriculture shall provide financial and technical assistance to States and tribal governments to implement surveillance and monitoring program for captive herds.

(2) COOPERATION.—In developing the surveillance and monitoring program for captive herds, the Secretary of Agriculture shall cooperate with State agencies responsible for managing and controlling chronic wasting disease in captive wildlife. Grantees under this section shall submit to the Secretary of Agriculture a plan for monitoring chronic wasting disease in captive wildlife and reducing the risk of disease spread through captive wildlife transport. As a condition of awarding aid under this section, the Secretary of Agriculture may prohibit or restrict the—

(A) movement in interstate commerce of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of chronic wasting disease; and

(B) use of any means of conveyance or facility in connection with the movement in interstate commerce of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of chronic wasting disease.

(3) COORDINATION.—The Secretary of Agriculture, in cooperation with the Secretary of the Interior, shall establish uniform standards for the collection and assessment of samples and data derived from the surveillance and monitoring program.

(b) WILD HERD PROGRAM.—The Secretary of Agriculture, acting through the Animal and Plant Health Inspection Service, shall, consistent with existing authority, assist states in reducing the incidence of chronic wasting disease infection in wild herds of deer and elk.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Agriculture $2,000,000 to conduct activities under this section.

SEC. 204. EXPANSION OF DIAGNOSTIC TESTING CAPACITY.

(a) PURPOSE.—Diagnostic testing will continue to be conducted on samples collected under the surveillance and monitoring programs regarding chronic wasting disease conducted by the states and the Federal Government, including the programs required by this Act, but current laboratory capacity is inadequate to process the anticipated sample load.

(b) UPGRADING OF FEDERAL FACILITIES.—The Secretary of Agriculture shall provide for the upgrading of Federal laboratories to facilitate the timely processing of samples from the surveillance and monitoring programs required by this Act and related epidemiological investigation in response to the results of such processing.

(c) UPGRADING OF CERTIFIED LABORATORIES.—Using the grant authority provided under section 2(d) of the Competitive, Special and Facilities Research Grant Act (7 U.S.C. 450i(d)), the Secretary of Agriculture shall make grants to provide for the upgrading of laboratories certified by the Secretary to facilitate the timely processing of samples from surveillance and monitoring programs and related epidemiological investigation in response to the results of such processing.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Agriculture $7,500,000 to carry out this section.

SEC. 205. EXPANSION OF AGRICULTURAL RESEARCH SERVICE RESEARCH.

(a) EXPANSION.—The Secretary of Agriculture, acting through the Agricultural Research Service, shall expand and accelerate basic research on chronic wasting disease, including research regarding detection of chronic wasting disease, genetic resistance, tissue studies, and environmental studies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Agriculture $1,000,000 to carry out this section.

SEC. 206. EXPANSION OF COOPERATIVE STATE RESEARCH, EDUCATION AND EXTENSION SERVICE SUPPORTED RESEARCH AND EDUCATION.

(a) RESEARCH EFFORTS.—The Secretary of Agriculture, acting through the Cooperative State Research, Education and Extension Service, shall expand the grant program regarding research on chronic wasting disease.

(b) EDUCATIONAL EFFORTS.—The Secretary of Agriculture shall provide educational outreach regarding chronic wasting disease to the general public, industry and conservation organizations, hunters, and interested scientific and regulatory communities.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Agriculture—

(1) $3,000,000 to carry out subsection (a); and

(2) $1,000,000 to carry out subsection (b).

TITLE III—GENERAL PROVISIONS

SEC. 301. INTERAGENCY COORDINATION.

(a) IN GENERAL.—Within 60 days of enactment after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior, shall enter into a cooperative agreement for the purpose of coordinating actions and disbursing funds authorized under Section 302 of this title to prevent the spread of chronic wasting disease and related diseases in the United States.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretaries shall submit to Congress a report that—

(1) describes actions that are being taken, and will be taken, to prevent the further outbreak of chronic wasting disease and related diseases in the United States; and

(2) contains any additional recommendations for additional legislative and regulatory actions that should be taken to prevent the spread of chronic wasting disease in the United States.

SEC. 302. INTERAGENCY GRANTS FOR STATE AND TRIBAL EFFORTS TO MANAGE CHRONIC WASTING DISEASE IN WILDLIFE.

(a) AVAILABILITY OF ASSISTANCE.—As a condition of the cooperative agreement described in Section 301, the Secretary of Agriculture and the Secretary of the Interior shall develop a grant program to allocate funds appropriated to carry out this section directly to the State agency responsible for wildlife management in each State that petitions the Secretary for a portion of such fund to develop and implement long term management strategies to address chronic wasting disease in wildlife.

(b) FUNDING PRIORITIES.—In determining the amounts to be allocated to grantees under subsection (a), priority shall be given based on the following criteria:

(1) Relative scope of incidence of chronic wasting disease in the State, with priority given to those jurisdictions with the highest incidence of the disease.

(2) expenditures on chronic wasting disease management, monitoring, surveillance, and research, with priority given to those States and tribal governments that have shown the greatest financial commitment to managing, monitoring, surveying, and researching chronic wasting disease.

(3) comprehensive and integrated policies and programs focused on chronic wasting disease management between involved State wildlife and agricultural agencies and tribal governments, with priority given to grantees that have integrated the programs and policies of all involved agencies related to chronic wasting disease management.

(4) Rapid response to new outbreaks of chronic wasting disease, whether occurring in States in which chronic wasting disease is already found or States with first infections, with the intent of containing the disease in any new area of infection.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 to carry out this subsection.

SEC. 303. RULEMAKING.

(a) JOINT RULEMAKING.—To ensure that the surveillance and monitoring programs and research programs required by this Act are compatible and that information collection is carried out in a manner suitable for inclusion in the national database required by section 201, the Secretary of the Interior and the Secretary of Agriculture shall jointly promulgate rules to implement this Act.

(b) PROCEDURE.—The promulgation of the rules shall be made without regard to—

(1) chapter 35 of title 44, United States Code 13 (commonly know as the ''Paperwork Reduction Act'');

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) the notice and comment provisions of section 553 of title 5, United States Code.

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary of the Interior and the Secretary of Agriculture shall use the authority provided under section 808 of title 5, United States Code.

(d) RELATION TO OTHER RULEMAKING AND LAW.—The requirement for joint rulemaking shall not be construed to require any delay in the promulgation by the Secretary of Agriculture of rules regarding the interstate transportation of captive deer or elk or to effect any other rule or public law implemented by the Secretary of Agriculture or the Secretary of the Interior regarding chronic wasting disease before the date of the enactment of this Act.

Mr. FEINGOLD. Mr. President, I rise today to join my colleague from Colorado, Senator ALLARD in introducing comprehensive legislation to address the problem of chronic wasting disease. I am delighted to be working with him on this bill, and commend him and his staff for all their tireless efforts. This disease has become a serious problem affecting wild deer in my home State of Wisconsin.

Chronic wasting disease belongs to the family of transmissible spongiform encephalopathies TSEs, diseases. TSEs are a group of transmissible, slowly progressive, degenerative diseases of the central nervous systems of several species of animals. Animal TSEs include, in addition to chronic wasting disease, CWD, in deer and elk, bovine spongiform encephalopathy in cattle, scrapie in sheep and goats, feline sponfiform encephalopathy in cats, and mink spongiform encephalopathy in mink.

States like mine are now contemplating how and where their Department of Natural Resources will cull deer in an attempt to slow the spread of the disease, and it is a difficult choice. Wisconsin is contemplating a herd reduction of up to 15,000 animals in ten counties. With a disease that has no known mechanism of transmission, large scale herd reduction may not fully address the problem. Yet Wisconsin is in the difficult position of not being able to put off taking action to slow the epidemic until every scientific question has been answered in detail. Wisconsinites treasure the sight of deer in our woods and tourism and hunting are important to our State's economy, as well. In part, Wisconsin's struggles to manage the disease have been complicated by struggles to interact with a variety of different Federal agencies, each with differing and intersecting responsibilities on the issue of chronic wasting disease.

In that vein, the legislation we are introducing is comprehensive, addressing both short term and long term needs. It authorizes a $29 million dollar Federal chronic wasting disease program that will be administered by the United States Departments of Agriculture, USDA, and Interior. It is similar to legislation introduced in the House of Representatives by the Representative from Colorado, Mr. MCINNIS), which has been cosponsored on a bi-partisan basis by Wisconsin delegation members in the House of Representatives. I think it is extremely appropriate that legislators from Colorado, the state that has the longest history in chronic wasting disease, have made a concerted effort to work with Wisconsin members who are struggling with a new outbreak that has emerged solely in wild deer. I deeply appreciate the commitment of the Representative from Colorado, Mr. MCINNIS, toward finding a solution that works for both our States. I think these are good comprehensive efforts, and I would like to highlight a few provisions in detail.

The bill I am introducing with the Senator from Colorado, Mr. ALLARD, requires USDA to work jointly with Interior and authorizes them to give up to $10 million in grants to states to help them plan and implement management strategies to address chronic wasting disease in both captive and wild herds of deer and elk. USDA is directed, in addition, to develop a national chronic wasting disease incident database, building on the existing USDA reporting program.

I am particularly pleased that the Senator from Colorado, Mr. ALLARD, has incorporated provisions that I authored to address Wisconsin's urgent short term need for enhanced testing capacity. Under the bill, USDA is required to release, within 30 days, protocols both for labs to use in performing tests for chronic wasting disease and for the proper collection of animal tissue to be tested. USDA is further required to develop a certification program for federal and non-federal labs conducting chronic wasting disease tests within 45 days of enactment. I hope all these measures will enhance Wisconsin' capacity to accurately test deer this year. To address longer terms needs, the USDA is directed to accelerate research into the development of live animal tests for chronic wasting disease, including field diagnostic tests, and the development of testing protocols that reduce laboratory test processing time.

This bill is appropriate, because state wildlife and agriculture departments do not have the fiscal or scientific capacity to adequately confront the problem. Their resources are spread too thin as they attempt to prevent the disease from spreading. Federal help in the form of management funding, research grants, and scientific expertise is urgently needed. Federal and State cooperation will protect animal welfare, safeguard our valued livestock industry, help guarantee America's food safety, and protect the public health.

I look forward to working with my colleague from Colorado, Mr. ALLARD, to seek passage of this measure.

By Mr. ROCKEFELLER (by request):

S. 2561. A bill to amend title 38, United States Code, to transfer from the Secretary of Labor to the Secretary of Veterans Affairs certain responsibilities relating to the provision of employment and other services to veterans and other eligible persons; to require the establishment of a new competitive grants program through which employment service shall be provided to veterans, servicemembers, and other eligible persons; and for other purposes; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, today I introduce legislation requested by the Secretary of Veterans Affairs, as a courtesy to the Secretary and the Department of Veterans Affairs, VA. Except in unusual circumstances, it is my practice to introduce legislation requested by the Administration so that

such measures will be available for review and consideration. This ''by-request'' bill contains four titles and proposes to move and modify employment service programs for veterans and other eligible persons from the Department of Labor to the Department of Veterans Affairs.

Title I of the proposed bill contains provisions governing the transition of certain veterans' employment services from the Department of Labor's Veterans Employment and Training Service, or VETS, program to a new program within the Department of Veterans Affairs to be known as the Veterans' Employment, Business Opportunity, and Training, or VEBOT, program. This bill would mandate that the VEBOT program provide performance-based competitive grants to State Governors or other entities for the purpose of providing employment services to veterans.

The VETS program currently provides grants for Disabled Veterans' Outreach Programs and Local Veterans Employment Representatives, LVER. These programs are staffed by State employees and provide employment services for veterans through State employment service offices and one-stop centers.

Section 103 delegates responsibility to the Secretary of Veterans Affairs to define by regulations virtually every aspect of the VEBOT program. This includes establishing and monitoring performance standards for state VEBOT programs, eligibility criteria for VEBOT clients, services to be provided by these programs, and service delivery practices.

Titles II and III mandate that responsibility for transition assistance and Homeless Veterans Reintegration Programs shall be transferred from the Department of Labor to the Department of Veterans Affairs.

The transfer of veterans' employment programs currently administered by the Department of Labor to the Department of Veterans Affairs would be completed by the later of September 30, 2003, or the date upon which the regulations prescribed by the Secretary of Veterans Affairs to govern these programs take effect.

Again, I submit this for the review and consideration of my colleagues at the request of the administration.

I ask unanimous consent that the text of the bill and Secretary Principi's transmittal letter that accompanied the draft legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2561

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION I. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act maybe cited as the ''Veterans' Employment, Business Opportunity, and Training Act of 2002''.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—EMPLOYMENT SERVICES

SEC. 101. DEFINITIONS.

As used in this title—

(1) The term ''veteran'' has the same meaning as ''eligible veteran'' as defined in section 4211(4) of title 38, United States Code.

(2) The term ''eligible person'' means—

(A) the spouse of any person who died of a service-connected disability;

(B) the spouse of any member of the Armed Forces serving on active duty who, at the time of application for assistance under this Act, is listed, pursuant to section 556 of title 37, United States Code, and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than ninety days: (i) missing in action, (ii) captured in line of duty by a hostile force, or (iii) forcibly detained or interned in line of duty by a foreign government or power; or

(C) the spouse of any person who has a total disability permanent in nature resulting from a service-connected disability or the spouse of a veteran who died while a disability so evaluated was in existence.

(3) The term ''State'' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and may include, to the extent determined necessary by the Secretary of Veterans Affairs and feasible for all purposes of this title, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marinas Islands, and the Trust Territory of the Pacific Islands.

(4) The term ''service member'' has the same meaning as an individual who is a member of the Armed Forces as defined in section 101(10) of title 38, United States Code,and who is being separated from the Armed Forces within the time periods specified in section 1142(a)(3) of title 10, United States Code.

SEC. 102. PURPOSE

In furtherance of the Nation's responsibility towards alleviating unemployment and underemployment among veterans, there shall be established a national performance-based job-search assistance program that: (1) will provide high-quality, job-search service to veterans, servicemembers, and other eligible persons, focused on assisting such individuals in obtaining and maintaining employment, as well as reducing the duration of individual's unemployment; (2) will assist employers in locating and hiring qualified veterans, servicemembers, and other eligible persons; and (3) will be accessible to veterans, servicemembers, and other eligible persons. The Department of Veterans Affairs would continue to aggressively use web-based technology to provide better service to veterans around the world.

SEC. 103. ESTABLISHMENT OF NEW COMPETITIVE GRANTS PROGRAM.

(a) ESTABLISHMENT OF NEW PROGRAM.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a competitive grants program to be referred to as the ''Veterans' Employment, Business Opportunity and Training Program'' (''VEBOT'') through which State Governors or other entities, as may be appropriate, would receive grants for the purpose of providing employment services to veterans, servicemembers, and other eligible persons within each State. The purpose of such program shall be to assist veterans, servicemembers, and other eligible persons in obtaining employment by providing for access to optimal employment opportunities.

(b) IMPLEMENTATION OF NEW PROGRAM.—The Secretary of Veterans Affairs shall prescribe such regulations as the Secretary considers appropriate to implement the VEBOT program required to be established under this section. Such regulations shall address matters relating to the development and implementation of the program, including: (1) the determination of eligibility criteria for affected veterans, servicemembers, or other eligible persons, for employment services and other related services that shall be provided; (2) the nature and type of services to be provided; (3) the most appropriate and efficient means to provide such services; (4) the most appropriate means to monitor and assess the performance of entities providing employment services; (5) the manner in which the Department of Veterans Affairs will cooperate with State employment agencies to ensure that veterans continue to have access to the full range of workforce services available through existing State and local one-stop employment-service delivery systems; (6) the manner in which the Department of Veterans Affairs will coordinate with the Department of Labor to ensure that veterans continue to receive priority or other special consideration in the provision of employment services through existing State and local one-stop employment-service delivery systems, as required by law or regulation; and (7) the entity or organization within the Department of Veterans Affairs that will administer the program. In developing the regulations, the Secretary shall take into consideration the recommendations of the task force required to be established under subsection (c) of this section and shall consult with the Secretary of Defense with respect to eligibility criteria affecting servicemembers.

(c) TASK FORCE TO BE ESTABLISHED; CONSULTATION WITH DESIGNATED PARTIES.—The Secretary of Veterans Affairs shall establish a task force comprised of at least eleven (but not more than fifteen) members which shall, not later than 180 days from the date of its establishment, make recommendations to the Secretary regarding the matters described in subsection (b) of this section. The task force shall include representatives of veterans service organizations, representatives of employers in private industry or employer organizations, and representatives of State Governors. The Secretary of Labor, the Secretary of Defense, and the Secretary of Transportation shall be ex officio members of the task force.

(d) GRANTS, PROGRAM TO BE COMPETITIVE; GRANTS TO INCLUDE PERFORMANCE REQUIREMENTS.—The Secretary of Veterans Affairs shall ensure that all services under the VEBOT program are provided through grants awarded either directly or indirectly on a competitive basis and that such grants include appropriate performance requirements with clear outcome measures. States or other entities may join in consortia to provide services to veterans.

(e) PERFORMANCE MEASUREMENT.—(1) Each Governor of a State or other entity receiving funds under a grant authorization by this section shall achieve the performance requirements as agreed in the established provisions for such grant. If unanticipated circumstances arising in a State would adversely affect a grantee's ability to meet its performance requirements, the grantee may request that the Secretary adjust the agreed-to levels of performance. If a grantee fails to meet the agreed-to levels of performance, the Secretary of Veterans Affairs may provide to the grantee assistance in such form as the Secretary may consider appropriate,

including training, technical assistance, staff development, and activities replicating those used by other successful grants and projects with demonstrated effectiveness. In the event of continued non-performance, the Secretary may, pursuant to such regulations as the Secretary may prescribe, remove the funds from a grantee and directly or indirectly solicit through a competition a new grantee and service provider.

(2) Consistent with State Law, the Secretary of Veterans Affairs and States and other entities identified to deliver services under the VEBOT program may utilize wage record information for program performance measurement as prescribed by the Secretary of Veterans Affairs. The Secretary of Labor shall provide assistance to the Secretary of Veterans Affairs in gaining access to wage information for this purpose.

(f) COST PRINCIPLES.—(1)(A) Each Governor of a State or other entity receiving funds under this section shall comply with the applicable uniform-cost principles included in the appropriate circulars or directives of the Office of Management and Budget for the type of entity, receiving the funds, as well as regulations prescribed by the Secretary of Veterans Affairs. Each grantee shall establish such fiscal controls and fund accounting procedures as may be necessary to assure the proper disbursal of, and accounting for, Federal funds allocated to any provider receiving funds under this section and shall maintain appropriate records in accordance with generally accepted accounting principles applicable in each State. Each grantee shall comply with the appropriate uniform administrative requirements for grants, contracts and agreements applicable for the type of entity receiving funds as promulgated in circulars or directives of the Office of Management and Budget.

(B) If a grantee determines that a service provider acting under a contract or subgrant is not in compliance with the requirements of this Act, the grantee shall take corrective action either to secure the service provider's prompt compliance or to remove the funds from the service provider for failure to so comply. If the grantee fails to take such corrective action, the Secretary may, pursuant to such regulations as the Secretary may prescribe, remove funds from the grantee and directly or indirectly solicit through a competition a new grantee and service provider.

(2) Unless approved by the Secretary of Veterans Affairs, not more than 15 percent of the funds available under this section to each State Governor or other entity may be expended by a service provider and State Governor for costs of administration. The Secretary shall prescribe regulations governing the expenditure of funds for costs of administration under this paragraph.

(g) PILOT PROJECTS AUTHORIZED.—In connection with the development and implementation of the VEBOT program, the Secretary of Veterans Affairs, during each fiscal year, may reserve up to 25 percent of the total available funding for grants to finance national-level primary services and to create pilot programs and demonstration projects to establish the effectiveness and viability of special proposed innovative program designs and service delivery systems.

SEC. 104. TRANSFER OF RESPONSIBILITY FOR ADMINISTRATION OF CERTAIN EMPLOYMENT SERVICES TO SECRETARY OF VETERANS AFFAIRS.

Notwithstanding any other provision of law, during the period beginning on October 1, 2002, and ending on the later of September 30, 2003, or the date upon which regulations prescribed by the Secretary of Veterans Affairs under section 103(b) of this title become effective, responsibilities assigned to the Secretary of Labor under sections 4101 through 4102A (Other than responsibilities assigned under section 4102A regarding the purposes of chapters 42 and 43 of title 38, United States Code), sections 4103 through 4108, and section 4110 of title 38, United States Code, shall be assumed by the Secretary of Veterans Affairs, and the function of the Assistant Secretary of Labor for Veterans' Employment and Training in the Department of Labor, as well as such personnel of the Department of Labor as may be deemed necessary to carry out such function, shall be transferred from the Department of Labor to the Department of Veterans Affairs. During that period, the Secretary of Veterans Affairs shall coordinate activities with the Secretary of Labor to facilitate the transfer of functions associated with the administration of employment services provided under chapter 41 of title 38, United States Code, that are conducted by disabled veteran's outreach programs specialists and local veterans' employment representatives.

SEC. 105. REPEAL OR AMENDMENT OF EXISTING AUTHORITIES.

(A) REPEAL OF AUTHORITIES.—Effective on the later of September 30, 2003, or the date upon which regulations prescribed by the Secretary of Veterans Affairs under section 103(D) of this Act become effective, the following sections are repealed: 4100 through 4104A, 4105(b), 4106 through 4109, and 4110A.

(b) CONFORMING AMENDMENT TO CHAPTER 43 PROVISION.—Section 4321 is amended by striking out ''(through the Veterans' Employment and Training Service)''.

(c) ADVISORY COMMITTEE.—Section 4110 is amended—

(1) in subsection (a)(1), by striking out ''Department of Labor'' and by inserting in lieu thereof ''Department of Veterans Affairs'';

(2) in subsection (a)(2), by inserting ''Department of Veterans Affairs and the'' before ''Department of Labor'';

(3) in subsection (b), by striking out ''Secretary of Labor'' and inserting in lieu thereof ''Secretary of Veterans Affairs'';

(4) in subsection (c), by striking out ''Labor'' each place it appears and inserting in lieu thereof ''Veterans Affairs''; and

(5) in subsection (d)—

(A) by striking out ''Secretary of Veterans Affairs'' each place it appears and inserting in lieu thereof ''Secretary of Labor'';

(B) by striking out in paragraph (6) ''The Assistant Secretary of Labor for Veterans Employment and Training'' and inserting in lieu thereof ''The official designated by the Secretary of Veterans Affairs to administer the Veterans' Employment, Business Opportunity and Training Program'';

(C) by striking out in paragraph (11) ''The Director of the United States Employment Service.'' and inserting in lieu thereof ''A representative of State Governors.''; and

(D) by striking out in paragraph (12) ''Secretary of Labor'' and inserting in lieu thereof ''Secretary of Veterans Affairs'';

(6) in subsection (e)—

(A) by striking out ''Secretary of Labor'' each place it appears and inserting in lieu thereof ''Secretary of Veterans Affairs''; and

(B) by striking out in paragraph (4) ''through the Veterans Employment and Training Service'';

(7) in subsection (f)—

(A) by striking out ''Secretary of Labor'' each place it appears and inserting in lieu thereof ''Secretary of Veterans Affairs''; and

(B) by striking out ''Department of Labor'' and inserting in lieu thereof ''Department of Veterans Affairs''; and

(8) in subsection (g), by striking out ''Secretary of Labor'' and inserting in lieu thereof ''Secretary of Veterans Affairs''.

TITLE II—TRANSITION ASSISTANCE

SEC. 201. TRANSFER OF RESPONSIBILITY FOR ADMINISTRATION OF TRANSITION ASSISTANCE PROGRAM TO THE SECRETARY OF VETERANS AFFAIRS.

Notwithstanding any other provision of law—

(1) references to the ''Secretary of Labor'' in section 1144 of title 10, United States Code, shall be deemed to be references to the Secretary of Veterans Affairs;

(2) references to the ''Secretary of Veterans Affairs'' in section 1144 of title 10, United States Code, shall be deemed to be references to the Secretary of Labor; and

(3) section 1144(d) of title 10, United States Code, is amended by striking out paragraph (1) and inserting in lieu thereof the following:

''(1) provide, as the case may be, for the use of personnel of grant recipients under section 103(b) of the Veterans' Employment, Business Opportunity, and Training Act of 2002 or such other personnel as the Secretary of Veterans Affairs may determine to be appropriate, to the extent that the Secretary determines that such use will not significantly interfere with the provision of services or other benefits to eligible veterans and other eligible recipients of services or benefits under programs administered by the Secretary.''.

TITLE III—HOMELESS VETERANS' REINTEGRATION PROGRAMS

SEC. 301. TRANSFER OF RESPONSIBILITY FOR ADMINISTRATION OF HOMELESS VETERANS' REINTEGRATION PROGRAM TO THE SECRETARY OF VETERANS AFFAIRS.

Section 2021 is amended—

(a) by striking out ''Secretary of Labor'' each place it appears and inserting in lieu thereof ''Secretary of Veterans Affairs''; and

(b) by striking out subsection (c) and redesignating subsection (d) as subsection (c).

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE.

Except where provided otherwise, the provisions of this Act shall become effective on October 1, 2002.

———

MAY 15, 2002.

Hon. RICHARD B. CHENEY,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill, the ''Veterans' Employment, Business Opportunity, and Training Act of 2002,'' to amend title 38, United States Code, to transfer from the Secretary of Labor to the Secretary of Veterans Affairs certain responsibilities relating to the provision of employment and other services to veterans and other eligible persons; to require the establishment of a new competitive grants program through which employment services shall be provided to veterans, servicemembers, and other eligible persons; and for other purposes. I request that this bill be referred to the appropriate committee for prompt consideration and enactment.

Title I of the draft bill contains provisions that would transfer from the Secretary of Labor to the Secretary of Veterans Affairs responsibility, as well as staffing, for the administration of employment and other services to veterans under chapter 41 of title 38, United States Code, and require the Secretary of Veterans Affairs to establish a new competitive grants program, entitled the ''Veterans' Employment, Business Opportunity and Training Program'' (VEBOT), to replace current programs under chapter 41. The VEBOT program would supplant three current grants activities currently administered by the Assistant Secretary of Labor for Veterans Employment and Training, including the Disabled Veterans Outreach Program

(DVOP), the Local Veterans Employment Representatives (LVER), and the Homeless Veterans Reintegration Program (HVRP). Because of the lead-time required to implement grants, VA would keep existing Department of Labor-funded grants in place during at least the first year after transfer. The President's budget for Fiscal Year 2003 reflects the transfer of $197 million and 199 full-time employee equivalents (FTEE) from the Department of Labor to the Department of Veterans Affairs (VA) to implement this proposal.

Over the last decade, veterans have received less-than-adequate job-search assistance. A report issued by the Congressional Commission on Servicemembers and Veterans Transition Assistance, and at least four reports issued by the General Accounting Office in the past five years, extensively document long-standing shortfalls with the DVOP and LVER programs. In spite of awareness in the veterans community that these two programs are falling short of the excellence that should be demanded of programs so important to many veterans' ability to enjoy and secure the productive life that their service defended for all Americans, significant improvements to the programs have not occurred because of legislative constraints. In order to improve services to veterans, legislative reforms are essential. We also believe that placement of the employment services programs within VA will strengthen the focus on veterans' needs. In light of VA's clear mission of service to veterans, VA would be in a stronger position to objectively evaluate veterans' employment assistance needs and develop a program that better meets veterans' needs, while at the same time ensuring adequate flexibility in design to allow for adapting to the needs of future generations of veterans.

Section 102 of the draft bill would set forth a statement regarding the establishment of a national performance-based job-search assistance program that: (1) would provide high-quality, job-search service to veterans, servicemembers, and other eligible persons, focused on assisting such individuals in obtaining and maintaining employment, as well as reducing the duration of individuals' unemployment; (2) would assist employers in locating and hiring qualified veterans, servicemembers, and other eligible persons; and (3) would be accessible to veterans, servicemembers, and other eligible persons. VA would continue to aggressively use web-based technology to provide better service to veterans around the world.

Section 103 of the draft bill would require the Secretary to establish the VEBOT program, through which State Governors or other entities, as may be appropriate, would receive grants for the purpose of providing for employment services to veterans, servicemembers, and other eligible persons within each State. The stated purpose of the VEBOT program would be to assist veterans, servicemembers, and other eligible persons in obtaining employment by providing for access to optimal employment opportunities. The Secretary would be required to ensure that all services under the VEBOT program are provided through grants awarded either directly or indirectly on a competitive basis and that such grants include appropriate performance requirements with clear outcome measures.

The Secretary would further be directed to prescribe regulations that would address matters relating to the development and implementation of the program, including: (1) the determination of eligibility criteria for affected veterans, servicemembers, or other eligible persons for employment services and other related services that shall be provided; (2) the nature and type of services to be provided; (3) the most appropriate and efficient means to provide such services; (4) the most appropriate means to monitor and assess the performance of entities providing employment services; (5) the manner in which the Department of Veterans Affairs will cooperate with State employment agencies to ensure that veterans continue to have access to the full range of workforce services available through existing State and local one-stop employment-service delivery systems; (6) the manner in which the Department of Veterans Affairs will coordinate with the Department of Labor to ensure that veterans continue to receive priority or other special consideration in the provision of employment services through existing State and local one-stop employment-service delivery systems, as required by law or regulation; and (7) the entity or organization within the Department of Veterans Affairs that will administer the program. In developing the implementing regulations, the Secretary would be required to take into consideration the recommendations of a task force that would be required to be established under this section.

Section 103 would also set forth specific performance-measurement criteria and responsibilities, as well as procedures for ensuring compliance with cost principles, and further, would authorize the Secretary to spend portions of available funding to finance national-level primary services and create pilot programs and demonstration projects to establish the effectiveness and viability of specific proposed innovative program designs and service delivery systems.

Section 104 of the draft bill would provide that, notwithstanding any other provision of law, during the period beginning on October 1, 2002, and ending on the later of September 30, 2003, or the date upon which regulations prescribed by the Secretary of Veterans Affairs become effective, the responsibilities assigned to the Secretary of Labor under sections 4101 through 4102A (other than responsibilities assigned under section 4102A regarding the purposes of chapters 42 and 43 of title 38, United States Code), sections 4103 through 4108, and section 4110 of title 38, United States Code, shall be assumed by the Secretary of Veterans Affairs. The function of the Assistant Secretary of Labor for Veterans' Employment and Training in the Department of Labor, as well as such personnel of the Department of Labor as may be deemed necessary to carry out such function, would be transferred from the Department of Labor to the Department of Veterans Affairs. Further, during that period, the two Secretaries would coordinate activities so as to facilitate the transfer of functions associated with the administration of employment services provided under chapter 41 of title 38, United States Code, that are conducted by disabled veterans' outreach programs specialists and local veterans' employment representatives. This would include activities relating to the transition assistance program for servicemembers nearing separation from the Armed Forces and for homeless veterans in dire need of employment.

Section 105 of the draft bill would repeal, effective on the later of September 30, 2003, or the date upon which regulations prescribed by the Secretary of Veterans Affairs under section 103(b) of this Act become effective, several sections of title 38, United States Code, that currently govern the provision of employment-related services under chapter 41. In addition, section 105 would make several amendments to section 4110 of title 38, under which an Advisory Committee on Veterans Employment and Training is established, to reflect the transfer of responsibilities for employment-related services for veterans from the Department of Labor to the Department of Veterans Affairs.

Section 201 of the draft bill would amend section 1144 of title 10, United States Code, to provide for the transfer of responsibility for the administration of the transition assistance program from the Secretary of Labor to the Secretary of Veterans Affairs. It would further provide, as the case may be, for the use of personnel of grant recipients under section 103(b) of the Veterans' Employment, Business Opportunity, and Training Act of 2002 or such other personnel as the Secretary of Veterans Affairs may determine to be appropriate, to the extent that the Secretary determines that such use will not significantly interfere with the provision of services or other benefits to eligible veterans and other eligible recipients of services or benefits under programs administered by the Secretary.

Section 301 of the draft bill would amend section 2021 of title 38 to provide for the transfer of responsibility for the administration of the Homeless Veterans Reintegration Project from the Secretary of Labor to the Secretary of Veterans Affairs. With respect to this program, we fully expect to expand on what we believe have been highly successful partnering efforts with States, local governments, Native American Tribal governments, and faith-based and non-profit organizations under the State Cemetery, State Home and Homeless Service Providers Grant and Per Diem program.

Finally, section 401 of the draft bill would provide that, except where otherwise provided, the provisions of the Act would become effective on October 1, 2002.

The Administration's budget reflects the transfer of funding ($197 million in FY 2003) to support the affected employment services programs from the Department of Labor to VA and the transfer to VA of 199 FTEE to implement the programs. Accordingly, no cost is associated with the Administration's proposal.

The Office of Management and Budget advises that there is no objection to the submission of this legislation to the Congress and that its enactment would be in accord with the program of the President.

Sincerely yours,

ANTHONY J. PRINCIPI.

By Mr. REID (for himself and Mr. COCHRAN):

S. 2562. A bill to expand research regarding inflammatory bowel disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I rise today for myself and Mr. COCHRAN to introduce the Inflammatory Bowel Disease Act, which will advance our knowledge of this serious health condition and our ability to treat people suffering from it.

Crohn's disease and ulcerative colitis are chronic disorders of the gastrointestinal tract which represent the major causes of morbidity and mortality from digestive illness. Because they behave similarly, these disorders are collectively known as Inflammatory Bowel Disease. It can cause severe diarrhea, abdominal pain, fever, and rectal bleeding. Moreover, complications related to Inflammatory Bowel Disease can include arthritis, osteoporosis, anemia, liver disease, and colon cancer. Crohn's disease and ulcerative colitis are not fatal, but they can be devastating. We do not know their cause, and we have no cure. There

are an estimated 1 million people in the United States who suffer from Inflammatory Bowel Disease. In 1990, total annual medical costs for Crohn's Disease patients was $1 to $1.2 million, and for patients with colitis, $400 to $600 thousand.

A recent medical breakthrough, identification of the gene for Crohn's Disease—opens up exciting new pathways for research to understand underlying disease mechanisms and to improve therapies for those who suffer from Inflammatory Bowel Disease. Our legislation establishes a distinct research program within the National Institute of Diabetes and Digestive and Kidney Diseases at the National Institutes of Health. Studies that translate findings from basic genetic and animal model research are among the promising areas to be advanced. With a program of Inflammatory Bowel Disease prevention and epidemiology at the Centers for Disease Control and Prevention, we can generate an accurate analysis of the make-up of the population with Inflammatory Bowel Disease, thereby obtaining invaluable clues to the potential causes and risks associated with the disease.

The bill also will inform public and private health coverage policy by providing for a study of the coverage standards of Medicare, Medicaid, and private health insurance for therapies for Inflammatory Bowel Disease. It will be conducted by the Institute of Medicine of the National Academies of Science. In addition, the bill calls for a General Accounting Office study of the problems patients with Inflammatory Bowel Disease encounter when applying for disability insurance benefits.

This bill will benefit millions of Americans who suffer from or who are at risk of developing Inflammatory Bowel Disease. It promises to alleviate much suffering, to assist patients in accessing sound and effective medical treatment, and to benefit those who are debilitated by Inflammatory Bowel Disease.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Inflammatory Bowel Disease Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Crohn's disease and ulcerative colitis are serious inflammatory diseases of the gastrointestinal tract. Crohn's disease may occur in any section of the gastrointestinal tract but is predominately found in the lower part of the small intestine and the large intestine. Ulcerative colitis is characterized by inflammation and ulceration of the innermost lining of the colon. Because Crohn's disease and ulcerative colitis behave similarly, they are collectively known as inflammatory bowel disease. Both diseases present a variety of symptoms, including severe diarrhea, crampy abdominal pain, fever, and rectal bleeding. There is no known cause of inflammatory bowel disease, or medical cure.

(2) It is estimated that up to 1,000,000 people in the United States suffer from inflammatory bowel disease.

(3) In 1990, the total annual medical costs for Crohn's disease patients was estimated at $1,000,000,000 to $1,200,000,000.

(4) In 1990, the total annual medical costs for ulcerative colitis patients was estimated at $400,000,000 to $600,000,000.

(5) Inflammatory bowel disease patients are at high-risk for developing colorectal cancer.

SEC. 3. INFLAMMATORY BOWEL DISEASE RESEARCH EXPANSION.

(a) IN GENERAL.—The Director of the National Institute of Diabetes and Digestive and Kidney Diseases shall expand, intensify, and coordinate the activities of the Institute with respect to research on inflammatory bowel disease with particular emphasis on the following areas:

(1) Genetic research on susceptibility for inflammatory bowel disease, including the interaction of genetic and environmental factors in the development of the disease.

(2) Animal model research on inflammatory bowel disease, including genetics in animals.

(3) Clinical inflammatory bowel disease research, including clinical studies and treatment trials.

(4) Other research initiatives identified by the scientific document entitled ''Challenges in Inflammatory Bowel Disease''.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated $75,000,000 in fiscal year 2003, $100,000,000 in fiscal year 2004, and such sums as may be necessary for fiscal years 2005 through 2006.

(2) RESERVATION.—Of the funds authorized to be appropriated under paragraph (1), not more than 20 percent of such funds shall be reserved to fund the training of qualified health professionals in biomedical research focused on inflammatory bowel disease and related disorders.

SEC. 4. INFLAMMATORY BOWEL DISEASE PREVENTION AND EPIDEMIOLOGY.

(a) IN GENERAL.—The Director of the Centers for Disease Control and Prevention shall establish a national program of prevention and epidemiology to determine the prevalence of inflammatory bowel disease in the United States, and conduct public and professional awareness activities on inflammatory bowel disease.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 in fiscal year 2003, and such sums as may be necessary for fiscal years 2004 through 2006.

SEC. 5. STUDY OF INFLAMMATORY BOWEL DISEASE RELATED SERVICES.

(a) IN GENERAL.—The Institute of Medicine of the National Academics of Science shall conduct a study on the coverage standards of medicare, medicaid, and the private insurance market for the following therapies:

(1) Parenteral nutrition.

(2) Enteral nutrition formula.

(3) Medically necessary food products.

(4) Ostomy supplies.

(5) Therapies approved by the Food and Drug Administration for Crohn's disease and ulcerative colitis.

(b) CONTENT.—The study shall also take into account the appropriate outpatient or home health care delivery settings.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Institute of Medicine shall submit a report to Congress describing the findings of the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary.

SEC. 6. SOCIAL SECURITY DISABILITY FOR INFLAMMATORY BOWEL DISEASE PATIENTS.

(a) IN GENERAL.—The General Accounting Office shall conduct a study of the problems patients encounter when applying for disability insurance benefits under title II of the Social Security Act. The study will also include recommendations for improving the application process for inflammatory bowel disease patients.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the General Accounting Office shall submit a report to Congress describing the findings of the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary.

By Mr. GRASSLEY (for himself, Mr. KERRY, and Mr. TORRICELLI):

S. 2563. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 with respect to the interest rate range for additional funding requirements, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am today introducing a bill on behalf of myself and Senators KERRY and TORRICELLI, to accomplish two objectives related to defined benefit pension plans.

First, my bill will permit defined benefit plans to use an appropriate adjusted interest rate for purposes of calculating contributions to their plan due for plan year 2001. We made this change in the economic stimulus bill that passed earlier this year for the years 2002 and 2003, but failed to pick up the 2001 plan year.

My colleagues may think that such a change should have been made a year ago. Defined benefit pension plan contributions for 2001 are due in most cases, 8½ months after the close of the plan year. By that measure, this change is still timely. I would also draw the attention of my colleagues to the fact that this adjustment is necessary to correct for the very low 30-year Treasury bond rates that have resulted from the buy-back and discontinuation of these bonds.

It is also important to note that this change will not affect the way in which pension payouts are made to participants. It will simply affect contributions to plans and premiums paid to the Pension Benefit Guaranty Corporation by plan sponsors.

Second, the bill would make permanent a special rule for certain interstate bus lines that was put in place in the 1997 tax bill. That rule allows interstate bus lines with frozen pension plans to use generally applicable

ERISA funding rules for their plan, rather than those mandated by the pension the GATT which were enacted in 1994.

The change we make for interstate bus lines with frozen defined benefit plans is unique to this group. Generally the GATT made useful changes to pension law that made plans more secure for participants. The use of standardized interest rates and mortality tables has helped establish a baseline so that plan sponsors understand our expectations of how they must fund their plans.

I ask unanimous consent that the text of this bill, along with a letter of support from the Amalgamated Transit Union, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INTEREST RATE RANGE FOR ADDITIONAL FUNDING REQUIREMENTS.

(a) IN GENERAL.—Subclause (III) of section 412(l)(7)(C)(i) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''2002 or 2003'' in the text and inserting ''2001, 2002, or 2003'', and

(2) by striking ''2002 AND 2003'' in the heading and inserting ''2001, 2002, AND 2003''.

(b) SPECIAL RULE.—Subclause (III) of section 302(d)(7)(C)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(d)(7)(C)(i)) is amended—

(1) by striking ''2002 or 2003'' in the text and inserting ''2001, 2002, or 2003'', and

(2) by striking ''2002 AND 2003'' in the heading and inserting ''2001, 2002, AND 2003''.

(c) PBGC.—Subclause (IV) of section 4006(a)(3)(E)(iii) of such Act (29 U.S.C. 1306(a)(3)(E)(iii)) is amended to read as follows—

''(IV) In the case of plan years beginning after December 31, 2001, and before January 1, 2004, subclause (II) shall be applied by substituting '100 percent' for '85 percent' and by substituting '115 percent' for '100 percent'. Subclause (III) shall be applied for such years without regard to the preceding sentence. Any reference to this clause or this subparagraph by any other sections or subsections (other than sections 4005, 4010, 4011 and 4043) shall be treated as a reference to this clause or this subparagraph without regard to this subclause.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 405 of the Job Creation and Worker Assistance Act of 2002.

SEC. 2. AMENDMENTS TO RETIREMENT PROTECTION ACT OF 1994.

(a) TRANSITION RULE MADE PERMANENT.—Paragraph (1) of section 769(c) of the Retirement Protection Act of 1994 is amended—

(1) by striking ''transition'' each place it appears in the heading and the text, and

(2) by striking ''for any plan year beginning after 1996 and before 2010''.

(b) SPECIAL RULES.—Paragraph (2) of section 769(c) of the Retirement Protection Act of 1994 is amended to read as follows:

''(2) SPECIAL RULES.—The rules described in this paragraph are as follows:

''(A) For purposes of section 412(l)(9)(A) of the Internal Revenue Code of 1986 and section 302(d)(9)(A) of the Employee Retirement Income Security Act of 1974, the funded current liability percentage for any plan year shall be treated as not less than 90 percent.

''(B) For purposes of section 412(m) of the Internal Revenue Code of 1986 and section 302(e) of the Employee Retirement Income Security Act of 1974, the funded current liability percentage for any plan year shall be treated as not less than 100 percent.

''(C) For purposes of determining unfunded vested benefits under section 4006(a)(3)(E)(iii) of the Employee Retirement Income Security Act of 1974, the mortality table shall be the mortality table used by the plan.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

AMALGAMATED TRANSIT UNION,
Washington, DC, May 3, 2002.

Hon. CHARLES GRASSLEY,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR GRASSLEY: On behalf of the Amalgamated Transit Union (ATU), I write to express our support for your proposed Senate bill to apply recent changes made to the Tax Code to the year 2001 and to make permanent the relief for certain interstate bus company pension plans from GATT-mandated funding requirements. (Reference #FRA02.196)

We believe the relief provided in this bill for interstate bus companies with frozen pension plans, such as Greyhound, is crucial to protect the affected employees' pension rights and ensure the continued vitality of this nationwide transportation system. With respect to the provisions extending the thirty-year Treasury fix to 2001, we certainly understand the need for and also support this provision.

As you know, ATU represents over 5,000 current Greyhound employees, as well as 13,000 retirees. Greyhound and its drivers serve over 4,000 communities nationwide, most of which have no other form of intercity public transportation. The continuance of these essential public transportation services provided by Greyhound and its drivers, however, is being threatened by federal pension funding requirements that fail to recognize the uniqueness of the ATU-Greyhound pension plan.

The jointly-administered defined benefit pension plan for Greyhound bus drivers has been frozen to new participants since 1983. The plan has 14,000 participants, all but 1,000 of which are retired. As a result, the average age of plan participants is over 70 years, and their mortality rate is far higher than that predicted by the mortality table that current law requires the plan administrator to use in determining funding requirements. Without legislative change, this requirement will force Greyhound to make unnecessary pension contributions with capita that is needed to operate and maintain its vital nationwide transportation system and to address new security threats facing the industry. These changes will benefit our retirees and our active members as well.

We applaud your leadership in the effort to provide this necessary relief. As this is a top-priority for the ATU, I want to personally thank you for all your efforts in this matter. Please let us know how we can help you as this bill moves forth.

Sincerely,

JIM LASALA,
International President.

By Mr. KENNEDY (for himself, Mr. GREGG, Mrs. MURRAY, Mr. VOINOVICH, Mr. WELLSTONE, Mr. BOND, Mr. EDWARDS, Mr. STEVENS and Mr. DEWINE):

S. 2566. A bill to improve early learning opportunities and promote school preparedness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is a privilege to join my fellow Senators today to introduce the Early Care and Education Act. I commend my colleagues for their commitment and leadership on this issue of national priority, Senator JUDD GREGG, the ranking member of the H.E.L.P. Committee with whom I am proud to share leadership with on this issue; Senator PATTY MURRAY, a former early educator herself who brings to the H.E.L.P. Committee a depth of knowledge from the front lines of education in our country; Senator GEORGE VOINOVICH for his leadership through the Families and Children First initiative as Governor of Ohio and his long-standing commitment to this issue; Senator PAUL WELLSTONE, who continues to show support for parent and family education, and has demonstrated impressive results with the care of infants in Minnesota; Senator TED STEVENS, who has a long commitment to children and championed the Early Learning Opportunities Act; Senator JOHN EDWARDS, whose dedication to the interests of children with special needs is greatly appreciated; and Senator CHRIS BOND, for his innovation with the Parents as Teachers program in Missouri.

Today, in America, there are over 19 million children under age 5, and over 11 million of these children have parents who work. Sixty-two percent of children from birth to age 5 spend time cared for by someone other than their parents, and too many are spending increasing hours in a hodge-podge of programs, in a variety of settings, cared for and taught by sometimes unqualified and certainly under-compensated providers. As a result, almost half of our Nation's children start school unprepared for the challenges before them. This result is costly for our parents, our teachers and providers, and most importantly, for our children.

The Early Care and Education Act that we introduce today is based on decades of science and research that show that what parents and providers do for young children during their earliest years will impact school performance and later success in life. This bill will build upon current Federal, State, and local efforts to address the early care and education needs of young children. And, it will promote school readiness by creating a system of early care and early education that includes quality services and programs staffed by an educated, motivated, and stable workforce that is paid in accordance to their very important responsibilities as the earliest educators of our children.

During the first five years of life, our children have a number of experiences that have strong influence on their social, emotional, and cognitive development. Together, these early encounters set the stage for later learning and performance. This has been confirmed by research and life experience. Based on this knowledge, we must give the same

high priority and commitment to early education that we devote to the elementary, secondary, and college levels. Education is a continuum that begins at birth, and we must invest in our children from the beginning if we expect the best for them and from them. this means an investment in their parents, caregivers, and teachers as well.

To ensure that children enter school prepared to learn, we must coordinate and improve the quality of services children and families receive, eliminate duplication, and maximize the use of existing federal and state resources. The Early Care and Education Act will accomplish this by providing incentive grants so that states may: Offer education, training, and professional development opportunities to improve the skills and compensation of the early care and education workforce; conduct needs assessments and evaluations of State and local programs and services for young children; provide training and technical assistance to help health care providers conduct analyses of child development as a part of routine physical examinations; improve parent, provider and public awareness of the early childhood development activities that will help children reach social, emotional, and cognitive milestones, and; support voluntary parent and family education programs that address early literacy, school preparedness, and overall development growth.

These activities I've just described have been demonstrated in research and practice to address the social, emotional, physical, and cognitive development needs that simultaneously influence a child's ability and willingness to learn.

I bring the Early Education and Care Act to the floor today with a strong voice. My fellow Americans, parents, and providers have placed education, and specifically, early education, as a top national priority. Study after study has called for better access and quality for early education. And, in the past few months alone, numerous reports have accurately described the shortcomings of early care and education in our country, as well as the need to respond. We began to identify solutions years ago with Perry Preschool and the Carolina Abecedarian Project. These proven solutions have been more recently demonstrated in programs like the Chicago Child-Parent Center program and described in publications, such as Eager to Learn and From Neurons to Neighborhoods. After years of research articulating the need, and years of intervention showing us what works, we can no longer afford to ignore these calls to action.

I have long-been committed to the education and welfare of children in this country. They are who will keep the greatness and prosperity of this nation going in the years to come. The first few months of 2002 have already created some dynamic changes for our young citizens. In January, I joined President Bush as he signed the Elementary and Secondary Education Act, ESEA, into law. This display of bipartisan commitment paved the road for future collaboration on other areas much in need of attention and commitment, including quality early care and education.

Since then, the President has stated his commitment to school readiness with the Administration's announcement of the ''Good Start, Grow Smart'' initiative, and the First Lady has repeatedly expressed her dedication to this issue by testifying before the Senate Education Committee, at White House events, and at engagements across the country, including the second annual early childhood education summit earlier this month in Little Rock, Arkansas.

Today, I sand with the President, the First Lady, and America's parents, providers, and teachers to call for quality early care and education for our nation's youngest children. The public and policy makers agree on its importance, and we now have the opportunity—and obligation—to act.

Investing in our children early is not an option. It is our responsibility as a nation. With stronger K–12 student requirements through ESEA, we cannot fairly hold our children accountable for poor performance later in school if we don't give them the best opportunities at success from the start. We must narrow the gap between what we know and what we do. The Early Care and Education Act will help us to narrow that gap.

As I close, I would like to recognize the many researchers, practitioners, and advocates who have contributed their expertise and practical insight as we crafted this legislation. I ask unanimous consent a multitude of letters and other material we have received in support of this legislation be printed in the RECORD. The Nation is behind this effort, and I hope that my colleagues will join us in supporting and passing this very important legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPPORT FOR THE EARLY CARE AND EDUCATION ACT

EXPERTS

Jack Shonkoff, Brandeis University.
Craig Ramey, Georgetown University.
Ed Zigler, Yale University.
Dorothy Strickland, Rutgers University.
Barry Zuckerman, Boston Medical.

NATIONAL ORGANIZATIONS

American Academy of Pediatrics.
Child Care Action Campaign.
Child Care Consortium.
National Child Care Assocation.
Scholastic Inc.
National Association of Child Care Resource and Referral Agencies.
I am Your Child Foundation.
Committee for Economic Development.
High Scope Foundation.
Reading is Fundamental.
United Way of America.
Fight Crime Invest in Kids.
Parents as Teachers.

NATIONAL GOVERNMENT ORGANIZATIONS

National Governors Association.
National League of Cities.
National Conference of Mayors.
National Conference of State Legislators.

MASSACHUSETTS & STATES

Massachusetts Dept. of Education.
Massachusetts Early Education for All.
Massachusetts Association of Child Care Resource and Referral Agencies.
North Carolina Smart Start.
First Steps South Carolina.
Washington State Child Care Resource and Referral Agencies.
Maryland Office for Children.

AMERICAN ACADEMY OF PEDIATRICS,
Washington, DC, May 23, 2002.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC

DEAR SENATOR KENNEDY: On behalf of the 57,000 members of the American Academy of Pediatrics, I write to express our strong support for your legislation, the Early Care and Education Act.

Pediatricians have long recognized that high-quality early care and education requires the combined efforts of many people—parents, caregivers, medical providers, community organizations, and government leaders of all levels. Your legislation recognizes the important nexus between quality health care and quality education for children by ensuring that all early care and education initiatives are grounded on the best research, standards and teaching strategies available. Moreover, by including pediatricians on the panel of experts to provide guidance and assistance to states, your legislation will ensure that all children can benefit from the medical expertise of those most familiar with the health and development of infants, children, adolescents and young adults.

We applaud your continued commitment to the health, development and education of children. We would welcome the opportunity to work with you as this important legislation moves forward this year. Please contact me or Molly Hicks, Assistant Director, Department of Federal Affairs, if we can be of any assistance.

Sincerely,

ELIZABETH J. NOYES,
Associate Executive Director.

NATIONAL ASSOCIATION OF CHILD CARE RESOURCE AND REFERRAL AGENCIES,
Washington, DC, May 20, 2002.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: We are writing on behalf of the National Association of Child Care Resource and Referral Agencies (NACCRRA) to commend you on the goals and purposes of the Early Care and Education Act.

Child care resource and referral has played a significant role in assisting States in many different system-building efforts. Therefore, we are pleased that your legislation encourages States to think and plan comprehensively how best to improve the quality of early experiences for children by addressing such systemic needs as professional development, compensation, program guidelines, information and support for parents, as well as public awareness.

We see the concept of a unified, seamless plan which coordinates the State's various federal funding streams as an important indicator that the activities in this Act are intended to provide a robust complement to the quality-enhancing activities currently

funded by the Child Care and Development Block Grant (CCDBG), which we are hoping will also be increased significantly during this year's reauthorization.

As coordinators of the fragile and fragmented local early care and education configurations, child care resource and referral programs applaud the intentionality and systemic planning that the Act promotes. The ability of a State's governor to designate an existing entity as the advisory council and the intent to enhance the effectiveness of existing delivery systems are both critical elements to us. We heartily support leveraging new opportunities but strongly oppose the waste created by the unnecessary creation of new, parallel systems and duplication of functions.

In the section on State Plans, we appreciate the recognition of community based training that is not provided for course credit as an essential part of the professional development continuum. These trainings are often the bridge to educational success for countless caregivers. Without these trainings, many would not have the confidence to enter the higher education environment.

The language regarding the implementation of the public awareness and parental information campaigns is particularly intriguing, because this has been a core function of resource and referral since long before any significant public resources became available for this purpose.

We promise to continue working with you to ensure that the bill is a success. Thank you for your unwavering commitment to the children and their families all across our great nation.

Sincerely,

MARTA ROSA,
President, NACCRRA Board of Directors.
YASMINA VINCI,
Executive Director.

MAY 9, 2002.

Hon. EDWARD M. KENNEDY,
Chairman, Senate Committee on Health, Education, Labor and Pensions, Senate Dirksen Building, Washington, DC.
Hon. JUDD GREGG,
Ranking Member, Senate Committee on Health, Education, Labor, Senate Dirksen Building, Washington, DC.

DEAR CHAIRMAN KENNEDY AND SENATOR GREGG: Scholastic Inc. writes in enthusiastic support of the Early Care and Education Act, and we share your goal to ensure that our youngest children reach school ready to learn. We first want to applaud your tremendous recent efforts on elementary and secondary education and the Leave No Child Behind Act. This Act will have an enormous impact on the lives and education of our children and the quality of teaching across the country. We hope that bipartisanship in the Congress, and with the Bush Administration, on funding for education and children will continue with the same energy and focus on preschool and early education. In this present effort Scholastic extends its full support and resources to you and your staff to help reach parents, children, and early educators on the importance of early childhood issues.

Scholastic Inc., the global children's publishing and media company, throughout its history has had a corporate mission of instilling the love of reading and learning in all children. Recognizing that literacy is the cornerstone of a child's intellectual, personal, and cultural growth, Scholastic has created quality products to educate, entertain and motivate children. We have long understood the importance of focusing on the needs of the whole child during early childhood and we know that what we do for our children in their earliest formative years, sets the foundation for success or failure in school and in life. This legislation has the potential to better prepare the next generation of children to be ready to learn when they enter school.

We strongly agree that one of keys to promoting school readiness is to develop and retain a well-educated and trained early childhood workforce. Scholastic has focused on the area of professional development for early childhood teachers and caregivers and has been a pioneer in developing scientifically based early childhood instructional materials, including education technology.

Scholastic offers its services and resources to be part of the legislation's public/private campaign for early childhood and early literacy. Scholastic's magazines, Early Childhood today and Parent & Child, book clubs, and web site reach millions of teachers and parents across the country. Additionally, Scholastic works with libraries and literacy programs across the country. We would like to leverage these unique relationships and communication channels to deliver your message.

Thank you again for your leadership on issues of importance to children and families.

Very truly yours,

RICHARD ROBINSON.

NEW YORK, NY, *May 8, 2002.*

Senator EDWARD M. KENNEDY,
Chairman, U.S. Senate Committee on Health, Education, Labor and Pensions, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: We at Child Care Action Campaign write to express our support for The Early Care and Education Act that we understand you plan to introduce in the Senate later this week.

We do so with unreserved support for the bill's three stated purposes: to encourage States to improve the quality and availability of early learning opportunities and activities for young children; to develop and retain a well-educated and trained early childhood workforce and to promote school preparedness. All of these are necessary if we are to assure that our nation's children will have the social, emotional and behavioral skills necessary to enter and succeed in school. And, that they will bring with them to the schoolhouse door the appropriate level of early cognitive and literacy development to support success in reading and other academic requirements.

For the past nearly twenty years, Child Care Action Campaign has had as its vision: quality, affordable child care for every American family that needs it. In pursuing this vision we have helped to build national public awareness and support for improved early education. To take the next giant steps, however, requires more than advocacy and public education. It will require significant investment by the Federal government and the States. It will also demand the use of effective strategies to improve the training and compensation of the early childhood workforce, the ultimate source of quality in our nation's preschool classrooms.

The level of investment proposed in your bill, combined with the strong signal it sends abut the importance of early care and education for our nation's youngest citizens, is a critical next step. We are particularly pleased that, under Sec. 9, Use of Funds, the very first use listed is the one we see as the key to the changes that must be made for our children—that is, to encourage states to use funds under this Act for education, training and professional development for early childhood professionals, including training that is linked to increased compensation.

We are also encouraged that you plan to establish an independent panel of experts to provide guidance to the States in the important task of assessing progress and that this panel will identify for States' use the best science-based methods and measures.

We look forward to continuing to work with your staff to achieve effective implementation. Thank you for what you personally have done to put your considerable passion and credibility to the service of the nation's children.

Sincerely,

FAITH WOHL,
President.

SMART START AND THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN,
May 9, 2002.

Senator EDWARD KENNEDY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the North Carolina Partnership for children and Smart Start, thank you for your exemplary support of young children as reflected in your recently proposed legislation. We applaud your outstanding leadership and believe that this legislation will dramatically improve the early care and education system in our state and throughout the nation.

Thank you for your willingness to listen and learn from the pioneer work we have done since the Smart Start legislation was passed in 1993 as reflected in your visit here and ongoing communication with your staff. While North Carolina has made unparalleled progress in building a high quality early childhood system and getting results for young children, we have much further to go. With your continued leadership and support we will reach our goal that every child in our state arrives at school healthy and prepared for success in school and in life.

Thank you for your dedication and the commitment you made in proposing this landmark legislation. We look forward to working with you on behalf of children. Please continue to be our nation's champion for young children.

Sincerely yours,

KAREN W. PONDER,
Executive Director.

MAY 14, 2002.

Hon. EDWARD M. KENNEDY, *Chair,*
Hon. JUDD GREGG, *Ranking Member,*
U.S. Senate Committee on Health, Education and Pensions, Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS KENNEDY AND GREGG: Thank you for your work to produce the ''Early Care and Education Act''. This letter is to communicate the Parents as Teachers National Center's (PATNC) support for the Act.

There is sound evidence that the first few years of life are the most critical to the healthy social, cognitive, language, and physical development which propels children to success in school and in their lives as adults. Most children spend those early years in the care of their parents, who are their first and most influential teachers, but also with other care providers. The Early Care and Education Act is a realistic attempt to strengthen the capacity of both parents and care providers to promote school readiness by a unified approach of encouraging highly interactive, developmentally appropriate opportunities for very young children to learn and strengthening the quality of the early childhood workplace.

Along with other positive provisions of the Early Care and Education Act, we are particularly pleased that there is recognition of the various systems and entities involved in providing services to young children and

their families and the need to unite these players in common goals and in transition to the school systems which will take over as children grow older. The proposed Joint Office of Early Care and Education at the federal level and similar structures at the state level will model this recognition and create a means to bring it to fruition.

Again, we are most grateful for the intent of the Early Care and Education Act and the positive focus it will provide on the needs of our youngest and most vulnerable citizens to be ready to succeed in school and in life.

Most sincerely,

SUSAN S. STEPLETON,
President and CEO.

COMMITTEE FOR ECONOMIC DEVELOPMENT,
Washington, DC, May 14, 2002.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Hon. JUDD GREGG,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATORS: On behalf of the Committee for Economic Development (CED), I would like to commend you on your ''Early Care and Education Act.'' CED strongly supports the goal of providing increased early learning opportunities to all children.

As a nonprofit, non-partisan public policy organization comprised of over 200 business and education leaders, CED has long promoted the economic benefits of improving the education of our nation's youth. CED identified early childhood education as particularly crucial in our 1993 study, Why Childcare Matters and our recent policy statement, Preschool for All: Investing In a Productive and Just Society. We wholeheartedly agree with your findings that the pre-kindergarten period is a critical juncture when young children develop cognitively and socially, and therefore benefit substantially from mental stimulation and education. CED supports the goal of the legislation to facilitate cooperation between federal and state governments in creating high-quality and childcare and education systems that ensure that all children enter school ready to learn.

Promoting school preparedness among children is vital to their future success and benefits society as a whole. In order to accomplish this goal, a stable, well-educated, and appropriately paid childcare and early education workforce is necessary, with ample opportunities for professional development and training. Increased research and dissemination of best practices from among successful programs is also essential. We are pleased that the legislation includes provisions for addressing these requirements.

CED believes that it is imperative that the current haphazard, piecemeal, and underfunded approach to early care and learning in this country be replaced by coherent state-based systems linking programs and providers, with the goal being universal access to high-quality prekindergarten programs for all children whose parents want them to participate. Your legislation represents a step in the right direction and we support your efforts.

Sincerely,

CHARLES E.M. KOLB,
President.

CALIFORNIA CHILDREN AND FAMILIES COMMISSION AND I AM YOUR CHILD FOUNDATION,
Beverly Hills, CA, May 14, 2002.

Senator EDWARD M. KENNEDY,
Chairman, Committee on Health, Education, Labor, and Pensions, U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: I am writing to express my support for the Early Care and Education Act that you plan to introduce this week. I commend you, the Bill's cosponsors, and your colleagues for taking this important step to benefit our nation's youngest citizens and to help provide all children with the support, care, and tools they need to enter school ready to succeed.

Based on my experiences as Chairman of the California Children and Families Commission, as President and Founder of the I Am Your Child Foundation, and as a parent of three young children, I can assure you that increased public investment in early childhood development, parenting, and child care pays off. Investments in the early years yield dividends that last a lifetime: children who are nurtured and taught by caring and capable caregivers, both inside and outside the home, are more likely to enter school ready to succeed, and are ultimately more likely to enter our communities as productive, healthy, and engaged citizens.

Indeed, in recent years, developments in science and public policy have confirmed what many of us as parents and caregivers have long known instinctively; the experiences of children in their earliest years have a profound effect on the way children grow and develop, and they establish the foundation for future success both in school and in life. We now know, without doubt, that secure and loving attachments with parents and other caregivers, coupled with the right kind of developmental experiences, instill in children the social, emotional and cognitive abilities they need to thrive.

Quite simply, there is no more significant public investment we can make in our nation's future than in early childhood development, and that is the main focus of the new Early Care and Education Act. Many facts of the Bill are deserving of praise, but I would like to focus on those features that I believe will make the largest difference in the lives of our nation's youngest children:

First, the Bill recognizes that parents are our children's first teachers, and offers ground-breaking support for initiatives that promote parent education and provide information to parents on child development and age-appropriate activities that improve children's social, emotional, cognitive and physical development. The Bill also enables States to conduct public education campaigns to increase public awareness of early childhood development and specific activities that can help children reach social, emotional, and cognitive milestones critical to school readiness. From what I have seen in States across the country, from California to Pennsylvania, parent education and public awareness efforts can make a tremendous difference in the lives of young children. The more reliable and responsible child development information the public, particularly parents, receive, the better caregivers parents become.

Second, the Bill recognizes the need for significant investment in workforce development that is linked to increased compensation, improved recruitment and retention, and stable career ladders for early childcare workers. If we truly believe in investing in our children, we must make meaningful investments in those entrusted with their care. We must strengthen the knowledge and skills of those who teach and care for our youngest children, and that can only happen by increasing training, skills, and wages.

Third, the Bill recognizes that early childhood education must be part of the overall K–12 education system. I am extremely pleased to see that both the Departments of Education and Health and Human Services will play a role in administering the act, and that States' plans will include a description of how States will create linkages between formal early care and early education programs and elementary education programs to ensure a smooth transition from preschool to elementary school. In addition, I am delighted that the State Advisory Councils, charged with conducting local needs assessments and developing State plans, will include a wide array of individuals involved in early, elementary, and higher education—from parents to early childhood education professionals, to kindergarten teachers, to teachers in grades 1 through 4, to representatives from institutions of higher learning. This linkage is critical to creating a seamless system of education for our children from birth through grade 12.

Fourth, the Bill recognizes that investments in early childhood development should not focus on literally alone, but must encompass the full developmental spectrum, including cognitive, social, emotional and physical development beginning at birth. This critical points is understood by the multi-disciplinary approach the Bill embraces in composing State Advisory Councils. In addition, the Bill highlights the multi-dimensional development needs of our children who are most at-risk, and bolsters investment in children living in poverty, for whom early care, education, and intervention are especially crucial.

Finally, the Bill goes a long way in addressing the problem of linking public funding to assessments of children's school readiness. While the bonus grant provisions of the Bill may be controversial, they do not represent the type of ''child testing'' that I believe is most problematic. As the Bill provides, only 20 percent of funding may be used as bonuses linked to assessment, the assessment tools will be developed over time by independent experts, and the assessments themselves will be limited to kindergarten children (not preschoolers). Moreover, the assessment results may not be used to identify or track children or to determine kindergarten eligibility or retention. In addition, under the Bill, no bonus grants are to be awarded until the third year, which allows time for system building and workforce development, and the third year bonuses are based solely on evidence of increased workforce capacity and retention.

In sum, I strongly believe the Early Care and Education Act will make significant strides in the care and education of our nation's youngest children. Increased public investment in child development is critical for our children and for our country. I commend you for your strong leadership on this issue and your tireless work on behalf of the children of America. I am proud to offer you my support.

Sincerely,

ROB REINER.

YALE UNIVERSITY,
DEPARTMENT OF PSYCHOLOGY,
New Haven, Ct, May 10, 2002.

Senator EDWARD M. KENNEDY,
U.S. Senate, Russell Office Building, Washington, DC.

DEAR SENATOR KENNEDY: I would like to voice my strong support for the Early Care and Education Act. As the Sterling Professor of Psychology at Yale University and head of the Psychology Section of the Yale Child Study Center, I direct the Bush Center in Child Development and Social Policy. As someone who has studied the growth and development of children for over 45 years, I believe this legislation will further efforts to improve the lives and early experiences for our nation's youngest children. As I noted in my testimony before the Senate Health, Education, Labor, and Pensions Committee earlier this spring, the quality of early care and education provided to most children in this nation is poor to mediocre. Millions of

infants and toddlers—at the very ages when development is so critical—are spending their days in the care of untrained and poorly compensated teachers.

The Early Care and Education Act focuses on the two biggest issues confronting the field of early education—the lack of an organized and systematic approach to early care and education, and the lack of trained and well compensated teachers. We must address these issues to ensure that all children arrive at our schools prepared to learn. If we want sound educational programs, we simply must provide well-trained teachers to implement them.

I compliment you on the comprehensive nature of the bill. While I wholeheartedly agree that congnitive development and literacy are important goals, I have repeatedly pointed out that they are so interwined with the physical, social and emotional systems that it is futile to dwell on the intellect and exclude the other domains of development. Your bill supports the whole child concept and I applaud you for this approach. Decades of cumulative research shows that early emotional risk factors that go unaddressed, will result in later school failure, poor peer relationships, and later costly interventions. Phonemic instruction by the most competent teacher will do little for a child whose physical, emotional and social needs have not been met. The best way to promote the healthy development of children is to help the adults in their lives be more effective in responding to their needs.

I commend you for continuing to leadership on behalf of children. Please do not hestitate to contact me if I can be helpful in your efforts.

Cordially,

EDWARD ZIGLER,
Sterling Professor of Psychology.

READING IS FUNDAMENTAL, INC.,
Washington, DC, May 13, 2002.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Health, Education, Labor and Pensions, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Reading Is Fundamental, Inc. (RIF) is pleased to support the bipartisan Early Care and Education Act, with its laudable emphasis on the creation of strong support systems and educational resources to help ensure that all children, especially those most at-risk for educational failure, receive literacy services at the earliest possible ages.

RIF shares with you the conviction that the social, academic and cognitive development of America's children depends in large measure on the degree to which they experience nurturing environments during the first six years of life. It is vitally important that families and caregivers receive the resources, information and motivation necessary to prepare children to be successful, life-long learners and readers. RIF believes that this legislation can play an important role in shaping a national approach to more effective childcare and early childhood education.

One of the strengths of this legislation is its recognition of the variety of settings in which our youngest children are cared for. This comprehensive approach, acknowledging both care in the home and outside the home, has long been a part of RIF's programmatic activity. For example, RIF has developed a training program for childcare providers called Care To Read, which provides instruction on ways to integrate emergent literacy development into a variety of childcare settings. This program is based on research such as the National Reading Panel's report on Preventing Reading Difficulties In Young Children and Dr. Susan B. Neuman's study, Access For All. The growing research regarding emergent literacy support and reading readiness confirms the need to accelerate and broaden efforts to include literacy activities in all child care settings, including those that have not traditionally offered it. The critical need to train child care workers to offer literacy activities is reflected in the legislation and is fully supported by RIF.

Also consistent with the legislation's goals, RIF, through RIFNet, our distance learning initiative, is developing a six-part video and online training program on emergent literacy issues for early-childhood caregivers, teachers, parents and other important adult influences in children's lives. A companion series on developmentally appropriate children's literature will support this effort to bolster early-childhood literacy development nationwide.

Without doubt, this is a critical time in our nation's history, when 38 percent of fourth-graders read below grade level, including 58 percent of Hispanic and 63 percent of African-American children. RIF looks forward to working closely with the Department of Education, members of Congress, and communities across the nation to ensure that the youngest Americans have access to books and that essential literacy services are available in all settings, both formal and informal, where young children are cared for.

We support your efforts to enact this important legislation and thank you for your steadfast support of children's education and health issues. RIF, with its network of 400,000 volunteers at 20,000 sites across the country, it prepared to be an active resource in support of this effort.

Sincerely,

CAROL H. RASCO,
President and CEO.

RUTGERS UNIVERSITY
GRADUATE SCHOOL OF EDUCATION,
New Brunswick, NJ, May 9, 2002.

Re: Early Care and Education Bill.

TO SENATOR EDWARD M. KENNEDY: I am writing to you and to Senator Judd Gregg to state my endorsement of the Early Care and Education bill. It promises to be a significant step forward in improving the coordination of early childhood efforts at the state level and in strengthening curricula to foster children's overall development with specific attention to their cognitive and language growth. Perhaps most important, it provides the momentum to assist states in their efforts to improve the qualify of early childhood staff.

I am pleased to have had the opportunity to testify on behalf of this legislation and to participate in the preparation of its drafts. If I can be of further help, I can be reached at the locations listed in the letterhead.

DOROTHY S. STRICKLAND.

CHILD CARE RESOURCE CENTER,
Cambridge, MA, May 9, 2002.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: As Executive Director of Child Care Resource Center, Inc. (CCRC), one of 15 state contracted child care resource and referral agencies in Massachusetts, I would like to commend you on the goals and purposes of the Early Care and Education Act.

The Child Care Resource Center has actively participated in assisting many different system-building efforts in the Commonwealth. Therefore, I am pleased that your legislation encourages states to think and plan comprehensively about improving the quality of early care and education by addressing such systemic needs as: professional development, compensation, program guidelines, information and support for parents, and promoting public awareness campaigns. I am also pleased about the fact that the Act offers a state's governor the ability to designate an existing entity as the advisory council and the focus on enhancing the effectiveness of existing delivery systems—both are critical elements because they will inhibit duplication of services.

By advancing the concept of a unified, seamless plan that coordinates the federal funding that a state receives from various sources, the Act is working to provide a robust complement to the quality-enhancing activities currently funded by the Child Care and Development Block Grant (CCDBG), which I and other child care advocates in Massachusetts are working to ensure is increased significantly during this year's reauthorization.

In the section on State Plans, I appreciate the recognition of community-based training that is not provided for course credit as an essential part of the professional development continuum. Community-based trainings are often the bridge to educational success for countless caregivers. Without these trainings, many would not have the confidence to enter the higher education environment. The language regarding the implementation of the public awareness and parent-focused information campaigns is particularly intriguing, because this has been a core function of resource and referral since long before any significant public resources became available for this purpose.

I will continue working with you to ensure that the bill is a success. Thank you for your commitment and dedication to ensuring that quality services are available to the children and their families all across our great nation.

Sincerely,

MARTA T. ROSA,
Executive Director.

CHILD CARE CONSORTIUM,
Washington, DC, May 9, 2002.

Hon. TED KENNEDY AND JUDD GREGG,
U.S. Senate,
Washington, DC.

DEAR SENATORS KENNEDY AND GREGG: On behalf of the licensed, private providers of quality early childhood education, members of the Child Care Consortium and the National Child Care Association, I am writing to commend your efforts to build a strong early childhood education system with the development of the Early Care and Education Act. The Child Care Consortium encourages you to continue seeking ways to create a framework for a strong system of quality care and education, one that leverages and complements the existing child care delivery system.

The Early Care and Education Act recognizes that a disciplined approach for building resources and quality goals around a fully funded child care system is important. This includes aligning the preschool learning experience with kindergarten and elementary grade expectations, undertaking meaningful needs assessments, which should include an analysis of capacities and capabilities of existing system resources, and a strong workforce development plan, which must include both training, appropriate to the field, and compensation, competitive in local markets. This also includes providing quality guidelines for parents and creating measurable goals for state efforts. The Child Care Consortium also supports the establishment of a Joint Office of Early Care and Education and full involvement of stakeholders in state Advisory Councils to assist states with identifying needs and developing state plans. Finally, we strongly recommend that states be

encouraged to develop a single, unified Early Care and Education/CCDBG plan.

A framework for driving quality will help ensure that program expenditures in fact enhance quality. Many states have used their quality dollars well and some initiatives have served as models for other states. We think your approach to creating a strong framework for quality is particularly important to ensure that every dollar not used for providing direct assistance to families or creating deeper subsidies through meaningful levels of reimbursements, show real results for quality early childhood education and development.

Licensed private providers of early childhood education are an essential part of the delivery of quality child care and education opportunities for communities across the nation. Important to our ability to offer quality programming are resources for elements of quality such as professional development and training, effective recruitment and retention, and competitive teacher compensation. The system elements authorized by the Early Care and Education Act will help. Also important for driving quality are adequate funding for child care assistance that will allow families to purchase high quality care and education and reimbursement rates that compensate providers for the full cost of providing quality programming represent, allowing providers to make greater investments in these elements of quality.

Sincerely,

FRANK MOORE,
Government Relations Counsel.

FIRST STEPS,
Columbia, SC, May 9, 2002.

Senator EDWARD M. KENNEDY,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: I am writing in strong support of the Early Care and Education bill that you are proposing, which I have had the opportunity to review this week. As the Director of South Carolina's early childhood initiative, South Carolina First Steps to School Readiness, I feel that this bill directly complements our efforts to ensure that all South Carolina children arrive at first grade ready to succeed in school.

This bill, if enacted, would directly build on and support the cross-agency collaboratives we have developed at both the state and county levels. As you know, to achieve school readiness requires a holistic approach to all the domains that affect a child's readiness—cognitive, social and developmental. This bill clearly recognizes the need to support all of those domains.

I am also pleased with the bill's focus on training for early childhood professionals and the inclusion of funding for public awareness. We have undertaken both of those initiatives in South Carolina, but limited funds have restricted the scope of what we are able to do at present. We would welcome the opportunity to expand our efforts if this bill is enacted.

If you have any questions about our efforts in South Carolina, please do not hestitate to contact me. I may be reached at 803–734–0391. Thank you for your leadership in developing this bill.

Sincerely,

MARIE-LOUISE RAMSDALE,
Director.

STATEMENT OF SUPPORT FOR THE EARLY CARE AND EDUCATION ACT

(By Jack P. Shonkoff, M.D.)

I am happy to convey my strong support for the proposed Early Care and Education Act. This support is based on the extent to which the bill is informed by the science of early childhood development, as well as on my 20 years of experience as a pediatrician deeply engaged in the delivery of a wide range of services for young children ''on the ground.''

Among the many features of the proposed legislation, the following are particularly important and worthy of broad and enthusiastic endorsement:

First, the bill addresses the most pressing challenge facing all early childhood programs—the need for significant investment in staff education and training that is linked to increased compensation, improved recruitment and retention, and a career ladder. Stated simply, in order to close the gap between what we know and what we do to support parents and promote healthy child development, we must strengthen the knowledge and skills of those who provide early care and education.

Second, the bill recognizes that wise investments in early learning must begin at birth.

Third, the bill acknowledges the importance of a comprehensive, knowledge-based approach to early childhood development, with comparable attention to its cognitive, language, social, emotional, and physical dimensions, as well as to the foundations of early literacy.

Fourth, the bill provides incentives for states to engage in an integrated planning process designed to reduce the universally criticized fragmentation that characterizes our patchwork systems of early care and education programs, including interventions for young children with special needs and those at high risk for school difficulties.

Clearly, the most contentious issue that has arisen in the formulation of this bill has been the concept of bonus grants and its linkage to the assessment of school readiness in children. Early in the negotiation process, I found myself in strong agreement with the legitimate concerns of those who warned about the potential adverse impacts of ''high stakes'' child testing on the providers of early care and education, the children themselves, and the entire early childhood environment. Despite these caveats, which remain real, I believe in the value of incentives, the importance of accountability focused ultimately on whether children are doing better as a result of our efforts, and the need to make sure that both the concept and the implementation of child performance assessment are guided primarily by knowledge and not by politics.

In this context, it is my strong belief that the key issue is not whether we should assess child outcomes, but how and when they should be measured, and what protections can be built into the process to prevent unintended, adverse consequences. Thus, although the ultimate implementation of any system of child evaluation must be undertaken with great care and vigilance, I believe that the proposed legislation has many important features that provide a strong framework for a sound incentive model. The basis for my support is the following:

No bonus grants are awarded until the third year, which allows sufficient time for the actual interventions (i.e., system building and investments in workforce development) to be implemented before their impact is measured.

Initial bonus grants will be awarded in the third year based on evidence of increased workforce capacity and retention, which is the bill's most important strategy for improving the quality of early care and education, as a necessary vehicle for enhancing child outcomes.

The award of bonus grants based on improved child outcomes does not begin until the fourth year, at which point it is reasonable to expect that the investments of the first three years will begin to show measurable impacts on children's school readiness.

The indicators of school readiness are viewed comprehensively and include cognitive, language, social, emotional, and physical dimensions, and not just a focus on early literacy.

The responsibility for identifying key indicators of school readiness and a selection of scientifically reliable and valid measurement options is assigned to an independent panel of experts outside of the political process.

Multiple conditions are specified in the bill to minimize potential abuse of the assessment process and to protect children from the consequences of a high-stakes testing environment (i.e., assessments restricted to kindergarten children; no testing of preschoolers; prohibitions against mandatory developmental screening against parental wishes; and prohibitions against the use of assessment data to identify or track individuals or to determine kindergarten eligibility or retention)

The bill includes an innovative provision for bonus grants to support demonstration projects in states that have not documented improved child outcomes, guided by the lessons learned in states that have achieved measurable gains, which establishes the critically important precedent of recognizing the value of using accountability processes to improve policies and practices and not to stigmatize individual programs.

In summary, I believe that the proposed legislation will advance the health development and well-being of our nation's young children, and I would be happy to provide any additional input that could be helpful.

BOSTON UNIVERSITY SCHOOL OF MEDICINE,
Boston, MA, May 8, 2002.

Senator Edward M. Kennedy,
Chairman, Committee on Health, Education, Labor and Pensions, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: I enthusiastically welcome the ''Early Care and Education Act'' that you and Senator Gregg introduced before the U.S. Senate this week.

In my years as a pediatrician, I have witnessed the wide-ranging impact of poverty on thousands of families, particularly as it relates to the healthy development of children. The most important lesson that I've learned is that only a truly comprehensive strategy—comprised of a wide variety of interventions, employing the energies, enthusiasm and expertise of many professions—can provide the strong web of support that the most vulnerable families need to support the healthy development of their children.

The Early Care and Education Act puts this lesson into practice. I am particularly excited and encouraged by the role this bill envisions for healthcare providers, pediatricians in particular, to support parents as their children's first teacher. By allowing states to use funds from this bill to both train healthcare professionals to conduct developmental assessments, and support of voluntary programs such as Reach Out and Read, the Early Care and Education Act brings enlists the participation of an important ally.

As pediatricians, we have faith and confidence that much of the guidance and advice that we give to parents helps parents help their children. But Reach Out and Read, a program that we are now successfully implementing in a wide variety of healthcare settings across the country, is the only primary care-based intervention that has been shown by scientific evidence, to improve a child's

development outcome. ROR's inclusion in statewide efforts will be a wonderful, and proven, complement to existing infrastructure of early care and education.

I thank you for the leadership you continue to show in supporting parents in their efforts to help their children grow up healthy. We look forward to helping in any way we can.

Sincerely,

BARRY ZUCKERMAN, MD,
Chief and Chairman, Department of Pediatrics.

THE FOLLOWING PEOPLE WILL RESPOND TO QUESTIONS ABOUT THE EARLY CARE AND EDUCATION BILL

Dr. Jack Shonkoff MD, Dean of the Heller School of Social Policy at Brandeis University and Chair of the National Academy of Sciences Panel on Integrating The Science of Early Childhood Development, Waltham, MA 02454.

Ed Zigler, PhD, Sterling Professor of Psychology, Yale University, New Haven, CT 06520.

Art Steller, PhD, President/CEO, High Scope Educational Research Foundation, Ypsilanti, MI 48198.

Dorothy Strickland, PhD, Professor of Reading, Rutgers University, New Brunswick, NJ.

Craig Ramey, PhD, Professor, Georgetown University, Washington, DC.

Faith Wohl, President, Child Care Action Campaign, New York, New York 10001.

Rob Reiner, President, I AM Your Child Foundation, Beverly Hills, CA 90210.

Mr. GREGG. Mr. President, in 1989, President Bush challenged our Nation and our Nation's governors to do two things: first, to develop a strategy to improve our educational system and thereby the academic performance of our Nation's students and second, to work toward the goals that all children would enter school ready to learn.

Well, the first part of the challenge was realized with the landmark reforms made earlier this year in the Elementary and Secondary Education Act. With its passage, we have taken significant, if not monumental, steps to improve the education of our K–12 students.

The second part of the challenge, that all children would enter school ready to learn remains, and has now become, the focus of our attention.

The President has taken the first step by launching his ''Good start, Grow Smart'' Early Childhood Initiative. Following the President's lead, Senator KENNEDY and I are today introducing the Early Care and Education Act.

This legislation will hopefully bring together many of the Federal, State and local efforts already underway in the area of early education. The United States currently invests more than $18 billion per year in early childhood care and education through a variety of Federal, State, and local programs. Unfortunately, we are seeing very mixed results. Many children continue to enter school unprepared to learn, despite our best efforts. And despite this significant current investment of resources, 85 percent of child care is of poor to mediocre quality.

This says to me that we need to spend our funds more wisely, and to target them more effectively at what works. That is what the Early Care and Education bill will do.

Under ECEA, we will ask states to do seven basic things as a condition for receiving an incentive grant:

One, blend and coordinate existing early learning resources; two, identify barriers which prevent them from fully utilizing Federal, State, an local public and private funds for early care and early education; three, promulgate voluntary program guidelines for early care and early education programs in the State; four, develop general goals for school preparedness for children entering kindergarten; five, provide a list of suggested activities for parents and care-givers to offer young children that can improve children's school preparedness; six, establish a workforce development plan that ensures comprehensive training for early childhood education professionals that is linked to a compensation package; and seven, ensure that this training uses curricula that will prepare early childhood professionals to effectively implement curricula identified as scientifically based and effective to prepare young children to succeed in school.

Then, to make sure States are actually making measured improvement in attaining their goals and performance measures, we set aside 20 percent of the funds appropriated for bonus grants to high performing states. States that are making measured improvement in improving the competencies of early learning professionals in the state and in the overall school readiness of their kindergartners will be eligible for this bonus, which becomes effective when appropriation levels reach $500 million.

This is significant and is somewhat of a departure form what Washington is used to. But we must no longer settle for programs that are untested and unaccountable to the American taxpayer for results. Our children, especially our disadvantaged children deserve better.

Under the ECEA, States will have the flexibility to identify, target and fund the most significant needs in their own states. They will be required to recognize and include parents as equal partners in the education of young children and respect the choices parents make to use or not use out-of-home child care or preschool settings.

They will be asked to set specific goals for school readiness and workforce improvement and then will be held accountable for reaching them. They will have the assistance of a National Panel of Experts in developing these goals and measures and the resources of the Departments of Education and Health and Human Services who will be required to work together, jointly, to administer this program. The largest investments in child care and early education are scattered throughout these two agencies and it is absolutely essential that they work together to effectively meet the needs of working families and young children. This is unprecedented but it must happen.

Let me conclude my saying that I am very excited about this legislation and encouraged by the willingness of members of both sides of the isle to work together for the good of the children to create a system where No Child Will be Left Behind. I am hope that by working together in partnership with parents, and States we will make great strides in preparing our young children for school. I look forward to our continued dialogue on this issue and to moving this legislation through the Congress and to the President.

Mr. VOINOVICH. Mr. President, I rise today to discuss the Early Care and Education Act of 2002 which was introduced today by Chairman KENNEDY. I am proud to have been invited by him to work on this legislation, together with the ranking member of the Senate Health, Education, Labor, and Pensions Committee, Senator GREGG, and the other distinguished cosponsors.

Early childhood development is a true passion of mine. In fact, one of the first bills I introduced when I came to the Senate in 1999 was an early childhood development bill targeting children from prenatal through age three. And the following year I was pleased to work with Senators STEVENS and KENNEDY on the Early Learning Opportunities Act.

Leading researchers from the distinguished National Research Council and Institute of Medicine emphasize that the first years of a child's life are the most important time in a child's development in terms of socialization and brain synapses, both of which are necessary for learning.

As a fiscal conservative, I believe that one of the best investments the federal government can make is in 0–3. Providing comprehensive early care that includes physical, social, emotional and cognitive development makes a real difference in a child's future because it not only prepares them for preschool, but also carries through to provide success from K through 12.

I am encouraged that both the President and First Lady are working actively to raise the profile of this important bipartisan initiative that will provide high-quality, comprehensive care for young children.

When I was Governor of Ohio, I prioritized early childhood development, drawing a line in the sand and determining that our State would not allow another generation of children to fall by the wayside. We committed to meeting the health, education and social service needs of the disadvantaged from prenatal through kindergarten.

Ohio became the nation's leader in Head Start by fully-funding it—in combination with other State programs, so that every eligible child had a space if their parents choose it. Then we began local partnerships between government agencies and community organizations in every county, with the goal of having all children in Ohio starting school ready to learn. I should also mention something we seem to forget, that the

first goal of the national initiative launched in 1989, Goals 200, was that by the year 2000, all children in America would start school ready to learn.

Ohio also launched Help Me Grow, an information campaign for parents of every income level regarding prenatal and well-baby care, child development, child safety, preventing child abuse and identifying local resources to help with all those issues that are so essential to raising a healthy child.

I was so impressed with the results we saw in Ohio that I agreed as vice-chairman of the National Governors Association to join with Governor Miller of Nevada to make early childhood development a two-year priority. This was the first time two consecutive chairmen of the National Governors Association joined in having the same priority, encouraging States to focus on child development from 0–3. I also worked with Rob Reiner, who created and developed the I am Your Child Foundation, and who has done so much to raise awareness and provide assistance to parents for early child care.

The bill that Senators KENNEDY, GREGG, MURRAY, and I are introducing will build on what States such as Ohio have already done, coordinate efforts and target dollars to make a real difference for those young children who are the most vulnerable in our society.

The incentive grants in the bill will help states that have already started down this path provide higher quality services, but more importantly, this bill will provide the catalyst for those States that have not yet made early childhood development a priority. I'm amazed today that only 13 states have actually put State money into the Head Start program.

Unfortunately, for families in some states, there is no coordinated system that connects parents of young children to a network of information and resources for assistance with the comprehensive early care a child needs to start school ready to learn.

By providing Federal dollars to help states coordinate their efforts, we are drawing a line in the sand for the Nation and saying, ''This is the generation that will have every child starting school ready to learn.''

As a federalist, I believe states can and should have a big role in helping make our Nation a better place to live. This bill provides the Federal-State partnership which is appropriate, avoids federally imposed one-size-fits-all solutions, and gives States the flexibility to find solutions that best fit their citizens' needs. I think the best evidence of how important that is, is the successful reform of this country's welfare system.

I've seen what works and I've seen what doesn't. I'm glad to be a part of the team to get this bill passed and I pray that my fellow Senators are inspired to understand how important this is to the future of America.

Mr. WELLSTONE. Mr. President, I join with Senators KENNEDY, GREGG, MURRAY, and others in introducing the Early Care and Education Act. I am pleased to have worked on this legislation because I believe it is absolutely critical that we do more on the Federal level to enhance early childhood education throughout the country. Seventy four percent of children in out of home care had care that was classified as mediocre—meeting health and safety requirements but offering no education or developmental benefits. Twelve percent were in places that were considered unsafe and only 14 percent were considered good. this situation is totally unacceptable.

The Early Care and Education Act would start to address this severe situation by providing much needed funds for states to support a more comprehensive, more high quality infrastructure for early care. It would fund professional development for early care providers and provide for wage incentive programs to ensure that providers get the salaries they deserve. It would provide incentives to States to integrate and coordinate services for your children. I am particularly pleased that this legislation would also provide funding for parent education programs such as the Early Childhood and Family Education program in Minnesota.

The ECFE program has been extraordinarily successful in my state. It is the largest early childhood program in Minnesota and is now offered in districts that together encompass 99 percent of the population of infants and toddlers in the State. Forty four percent of all young children and their families participate in the program.

Four different studies of outcomes of the ECFE program have all concluded that ECFE is effective with all types of families. Benefits for children include improved social interactions and relationships, improved social skills, increased self confidence and self-esteem, and improvement in language and communication skills. For parents, ECFE increases the ability to know what is important for children's healthy growth and development over time, improves their confidence and leads to far higher participation in parental involvement activities in elementary school.

A recent study by the Office of Educational Research and Improvement at the United States Department of Education has described the Minnesota ECFE program as an example of the type of program that can provide children and families with ''continuity and [can] ease the critical transition to school.'' That is the goal of the important legislation we are introducing today.

Forty percent of all American children enter kindergarten unprepared for school. This is unacceptable. We know that children need to be in a stimulating environment to spur the brain development that is critical to intelligence. This bill will move us in the direction of ensuring that every child has access to better quality care by helping States develop an improved and integrated system of care. The academic achievement gap is greatest when children start school, so if we are serious about closing the achievement gap between poor and more affluent students, we must do more to intervene early. This bill is a strong move in the right direction. I thank my colleagues for their excellent work on this important issue.

Mr. DEWINE. Mr. President, I rise today with my colleagues, Senators KENNEDY, GREGG, and VOINOVICH, to introduce the ''Early Education and Care Act,'' a bill to help improve the quality of early childhood education.

We all know that our children are the most vulnerable and valuable members of our population. As the parents of eight and grandparents of seven, my wife, Fran and I know the responsibility, time, and dedication it takes to ensure that children B especially very young children, live in a stimulating environment that will enhance their development.

The first five years of a child's life are a time of momentous change. Research shows that a child's brain size doubles between birth and age three. I remember my own children during this time, and it seemed like everyday they were learning and doing something for the first time—walking, crawling, or learning another new word. Kids are like sponges, particularly at this early stage of life.

That's why education is such an important part of our children's lives, not just when they reach kindergarten, but really from the day they are born. The bill we are introducing today would help reshape how states and American families view child development. I have worked with the other sponsors to ensure that information about the importance of child development, age-appropriate activities, and activities that increase a child's language and literacy development are all targeted at every home in Ohio and across the country. This information needs to go to our childcare centers, libraries, and pediatrician offices.

Now, not every child less than five years of age goes to a formal pre-school or childcare setting. But, they all go to the doctor and our message needs to be incorporated into well-baby visits and ordinary check ups. Our legislation would enable states to provide training to health care providers on conducting child development analyses as part of a routine physical examination.

Programs, such as ''Reach Out and Read,'' already have been successful in using the health care profession to spread literacy. ''Reach Out and Read'' gives books to parents to take home and share with their children. Doctors that participate in this program have incorporated literacy and language development into questions during physical evaluations, and they have emphasized the importance of literacy to the parents.

Early learning programs play a pivotal role in preparing our children for

kindergarten and beyond. First Lady Laura Bush has taken an important leadership role in this issue with her ''Ready to Read, Ready to Learn'' initiative, which has helped put early learning into the national spotlight. For example, when she testified before the Senate Health, Education, Labor, and Pensions Committee, she described a great discrepancy that exists in our country. She explained that when children enter their kindergarten classrooms on the first day of school, they are not all starting from the same point. Some children are much more advanced than others. Kindergarten teachers could tell you on day one, which students received quality preprimary education and which ones hadn't gone to a quality program or had ever been in an educational setting before.

Research shows that children who attend quality early childcare programs when they were three or four years-old score better in math, language, and on social skills development in early elementary school than children who attend poor quality childcare programs. Furthermore, children in early learning programs with high quality teachers—teachers with associate degrees or bachelor degrees—do substantially better. Our legislation would create incentives for states to enable those caring for our children to get the training and education they need to best teach our very young children. I'm very pleased with what my own home state of Ohio did in 1999, when we passed a law requiring that every Head Start teacher by the year 2007, have at least an associates degree in early childhood education. Currently, federal law mandates that only 50 percent of Head Start teachers have an associate degree.

These are all very complex issues, Mr. President. We need to find a balance between quality pre-primary education programs and ensuring that we reach as many children and families as possible. The time has come for a more comprehensive program B one that reaches all children right from the start. I believe our legislation accomplishes this task, and I encourage my colleagues to support this effort.

By Mrs. MURRAY (for herself, Ms. CANTWELL, and Mr. INOUYE):

S. 2567. A bill to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Indian Affairs.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Settlement Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) from 1927 to 1931, at the direction of Congress, the Corps of Engineers investigated the Columbia River and its tributaries to determine sites at which power could be produced at low cost;

(2) the Corps of Engineers—

(A) identified a number of sites, including the site at which the Grand Coulee Dam is located; and

(B) recommended that power development at those sites be performed by local governmental authorities or private utilities under the Federal Power Act (16 U.S.C. 791a et seq.);

(3) under section 10(e) of that Act (16 U.S.C. 803(e)), a licensee is required to compensate an Indian tribe for the use of land under the jurisdiction of the Indian tribe;

(4) in August 1933, the Columbia Basin Commission, an agency of the State of Washington, received a preliminary permit from the Federal Power Commission for water power development at the Grand Coulee site;

(5) in the mid-1930's, the Federal Government, which is not subject to the Federal Power Act (16 U.S.C. 791a et seq.)—

(A) federalized the Grand Coulee Dam project; and

(B) began construction of the Grand Coulee Dam;

(6) at the time at which the Grand Coulee Dam project was federalized, the Federal Government recognized that the Spokane Tribe and the Confederated Tribes of the Colville Reservation had compensable interests in the Grand Coulee Dam project, including compensation for—

(A) the development of hydropower;

(B) the extinguishment of a salmon fishery on which the Spokane Tribe was almost completely financially dependent; and

(C) the inundation of land with loss of potential power sites previously identified by the Spokane Tribe;

(7) in the Act of June 29, 1940, Congress—

(A) in the first section (16 U.S.C. 835d) granted to the United States—

(i) all rights of Indian tribes in land of the Spokane Tribe and Colville Indian Reservations that were required for the Grand Coulee Dam project; and

(ii) various rights-of-way over other land under the jurisdiction of Indian tribes that were required in connection with the project; and

(B) in section 2 (16 U.S.C. 835e) provided that compensation for the land and rights-of-way was to be determined by the Secretary of the Interior in such amounts as the Secretary determined to be just and equitable;

(8) in furtherance of that Act, the Secretary of the Interior paid—

(A) to the Spokane Tribe, $4,700; and

(B) to the Confederated Tribes of the Colville Reservation, $63,000;

(9) in 1994, following 43 years of litigation before the Indian Claims Commission, the United States Court of Federal Claims, and the United States Court of Appeals for the Federal Circuit, Congress ratified an agreement between the Confederated Tribes of the Colville Reservation and the United States that provided for damages and annual payments of $15,250,000 in perpetuity, adjusted annually, based on revenues from the sale of electric power from the Grand Coulee Dam project and transmission of that power by the Bonneville Power Administration;

(10) in legal opinions issued by the Office of the Solicitor of the Department of the Interior, a Task Force Study conducted from 1976 to 1980 ordered by the Committee on Appropriations of the Senate, and hearings before Congress at the time at which the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (Public Law 103–436; 108 Stat. 4577) was enacted, it has repeatedly been recognized that—

(A) the Spokane Tribe suffered damages similar to those suffered by, and had a case legally comparable to that of, the Confederated Tribes of the Colville Reservation; but

(B) the 5-year statute of limitations under the Act of August 13, 1946 (25 U.S.C. 70 et seq.) precluded the Spokane Tribe from bringing a civil action for damages under that Act;

(11) the inability of the Spokane Tribe to bring a civil action before the Indian Claims Commission can be attributed to a combination of factors, including—

(A) the failure of the Bureau of Indian Affairs to carry out its advisory responsibilities in accordance with that Act; and

(B) an attempt by the Commissioner of Indian Affairs to impose improper requirements on claims attorneys retained by Indian tribes, which caused delays in retention of counsel and full investigation of the potential claims of the Spokane Tribe;

(12) as a consequence of construction of the Grand Coulee Dam project, the Spokane Tribe—

(A) has suffered the loss of—

(i) the salmon fishery on which the Spokane Tribe was dependent;

(ii) identified hydropower sites that the Spokane Tribe could have developed; and

(iii) hydropower revenues that the Spokane Tribe would have received under the Federal Power Act (16 U.S.C. 791a et seq.) had the project not been federalized; and

(B) continues to lose hydropower revenues that the Federal Government recognized were owed to the Spokane Tribe at the time at which the project was constructed; and

(13) more than 39 percent of the land owned by Indian tribes or members of Indian tribes that was used for the Grand Coulee Dam project was land of the Spokane Tribe.

SEC. 3. STATEMENT OF PURPOSE.

The purpose of this Act is to provide fair and equitable compensation to the Spokane Tribe, using the same proportional basis as was used in providing compensation to the Confederated Tribes of the Colville Reservation, for the losses suffered as a result of the construction and operation of the Grand Coulee Dam project.

SEC. 4. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Bonneville Power Administration.

(2) CONFEDERATED TRIBES ACT.—The term ''Confederated Tribes Act'' means the Confederated Tribes of the Colville Reservation Grand Coulee Dam Settlement Act (Public Law 103–436; 108 Stat. 4577).

(3) FUND ACCOUNT.—The term ''Fund Account'' means the Spokane Tribe of Indians Settlement Fund Account established under section 5(a).

(4) SPOKANE TRIBE.—The term ''Spokane Tribe'' means the Spokane Tribe of Indians of the Spokane Reservation, Washington.

SEC. 5. SETTLEMENT FUND ACCOUNT.

(a) ESTABLISHMENT OF ACCOUNT.—There is established in the Treasury an interest bearing account to be known as the ''Spokane Tribe of Indians Settlement Fund Account''.

(b) DEPOSIT OF AMOUNTS.—

(1) INITIAL DEPOSIT.—On the date on which funds are made available to carry out this

Act, the Secretary of the Treasury shall deposit in the Fund Account, as payment and satisfaction of the claim of the Spokane Tribe for use of land of the Spokane Tribe for generation of hydropower for the period beginning on June 29, 1940, and ending on November 2, 1994, an amount that is equal to 39.4 percent of the amount paid to the Confederated Tribes of the Colville Reservation under section 5(a) of the Confederated Tribes Act, adjusted to reflect the change, during the period beginning on the date on which the payment described in subparagraph (A) was made to the Confederated Tribes of the Colville Reservation and ending on the date of enactment of this Act, in the Consumer Price Index for all urban consumers published by the Department of Labor.

(2) SUBSEQUENT DEPOSITS.—On September 30 of the first fiscal year that begins after the date of enactment of this Act, and on September 30 of each of the 5 fiscal years thereafter, the Administrator of the Bonneville Power Administration shall deposit in the Fund Account an amount that is equal to 7.88 percent of the amount authorized to be paid to the Confederated Tribes of the Colville Reservation under section 5(b) of the Confederated Tribes Act through the end of the fiscal year during which this Act is enacted, adjusted to reflect the change, during the period beginning on the date on which the payment to the Confederated Tribes of the Colville Reservation was first made and ending on the date of enactment of this Act, in the Consumer Price Index for all urban consumers published by the Department of Labor.

(c) ANNUAL PAYMENTS.—On September 1 of the first fiscal year after the date of enactment of this Act, and annually thereafter, the Administrator (or the head of any successor agency) shall pay to the Spokane Tribe an amount that is equal to 39.4 percent of the annual payment authorized to be paid to the Confederated Tribes of the Colville Reservation under section 5(b) of the Confederated Tribes Act for the fiscal year.

SEC. 6. USE AND TREATMENT OF SETTLEMENT FUNDS.

(a) TRANSFER OF FUNDS TO SPOKANE TRIBE.—

(1) INITIAL TRANSFER.—Not later than 60 days after the date on which the Secretary of the Treasury receives from the Spokane Business Council written notice of the adoption by the Spokane Business Council of a resolution requesting that the Secretary of the Treasury execute the transfer of settlement funds described in section 5(a), the Secretary of the Treasury shall transfer all or a portion of the settlement funds, as appropriate, to the Spokane Business Council.

(2) SUBSEQUENT TRANSFERS.—If not all funds described in section 5(a) are transferred to the Spokane Business Council under an initial transfer request described in paragraph (1), the Spokane Business Council may make subsequent requests for, and the Secretary of the Treasury may execute subsequent transfers of, those funds.

(b) USE OF INITIAL PAYMENT FUNDS.—Of the settlement funds described in subsections (a) and (b) of section 5—

(1) 25 percent shall be—

(A) reserved by the Spokane Business Council; and

(B) used for discretionary purposes of general benefit to all members of the Spokane Tribe; and

(2) 75 percent shall be used by the Spokane Business Council to carry out—

(A) a resource development program;

(B) a credit program;

(C) a scholarship program; or

(D) a reserve, investment, and economic development program.

(c) USE OF ANNUAL PAYMENT FUNDS.—Annual payments made to the Spokane Tribe under section 5(c) may be used or invested by the Spokane Tribe in the same manner and for the same purposes as other tribal governmental funds.

(d) APPROVAL BY SECRETARY.—Notwithstanding any other provision of law—

(1) the approval of the Secretary of the Treasury or the Secretary of the Interior for any payment, distribution, or use of the principal, interest, or income generated by any settlement funds transferred or paid to the Spokane Tribe under this Act shall not be required; and

(2) the Secretary of the Treasury and the Secretary of the Interior shall have no trust responsibility for the investment, supervision, administration, or expenditure of those funds after the date on which the funds are transferred to or paid to the Spokane Tribe.

(e) TREATMENT OF FUNDS FOR CERTAIN PURPOSES.—The payments and distributions of any portion of the principal, interest, and income generated by the settlement funds described in section 5 shall be treated in the same manner as payments or distributions under section 6 of the Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds Act (Public Law 99–346; 100 Stat. 677).

(f) TRIBAL AUDIT.—After the date on which the settlement funds described in section 5 are transferred or paid to the Spokane Tribe, the funds—

(1) shall be considered to be Spokane Tribe governmental funds; and

(2) shall be subject to an annual tribal governmental audit.

SEC. 7. REPAYMENT CREDIT.

(a) IN GENERAL.—For the first fiscal year that begins after the date of enactment of this Act, and for each subsequent fiscal year in which annual payments are made under this Act, the Administrator shall deduct from the interest payable to the Secretary of the Treasury from net proceeds (as defined in section 13 of the Federal Columbia River Transmission System Act (16 U.S.C. 838k)), a percentage of the payment made to the Spokane Tribe for the preceding fiscal year.

(b) CALCULATION.—The percentage deducted under subsection (a) shall be calculated and adjusted to ensure that the Bonneville Power Administration receives a deduction comparable to that which the Bonneville Power Administration receives for payments made to the Confederated Tribes of the Colville Reservation under to the Confederated Tribes Act.

(c) CREDITING.—

(1) DEDUCTIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each deduction made under this section shall be—

(i) credited to the interest payments otherwise payable by the Administrator to the Secretary of the Treasury during the fiscal year in which the deduction is made; and

(ii) allocated pro rata to all interest payments on debt associated with the generation function of the Federal Columbia River Power System that are due during that fiscal year.

(B) EXCEPTION.—If, for any fiscal year, the amount of a deduction described in subparagraph (A) is greater than the amount of interest due on debt associated with the generation function for the fiscal year, the amount of the deduction that exceeds the interest due on debt associated with the generation function shall be allocated pro rata to all other interest payments due during that fiscal year.

(2) OTHER PROGRAMS.—To the extent that a deduction described in paragraph (1) exceeds the amount of interest described in that paragraph, the deduction shall be applied as a credit against any other payments that the Administrator makes to the Secretary of the Treasury.

SEC. 8. SATISFACTION OF CLAIMS.

Payment by the Administrator under section 5 constitutes full satisfaction of the claim of Spokane Tribe to a fair share of the annual hydropower revenues generated by the Grand Coulee Dam project from June 29, 1940, through the fiscal year preceding the fiscal year in which this Act is enacted.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 2568. A bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to medicare beneficiaries residing in rural areas; to the Committee on Finance.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2568

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''MediFair Act of 2002''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Regional inequities in medicare reimbursement has created barriers to care for seniors and the disabled.

(2) The regional inequities in medicare reimbursement penalize States that have cost-effective health care delivery systems and rewards those States with high utilization rates and that provide inefficient care.

(3) Over a lifetime, those inequities can mean as much as a $50,000 difference in the cost of care provided per beneficiary.

(4) Regional inequities have resulted in creating very different medicare programs for seniors and the disabled based on where they live.

(5) Because the Medicare+Choice rate is based on the fee-for-service reimbursement rate, regional inequities have allowed some medicare beneficiaries access to plans with significantly more benefits including prescription drugs. Beneficiaries in States with lower reimbursement rates have not benefited to the same degree as beneficiaries in other parts of the country.

(6) Regional inequities in medicare reimbursement have created an unfair competitive advantage for hospitals and other health care providers in States that receive above average payments. Higher payments mean that those providers can pay higher salaries in a tight, competitive market.

(7) Regional inequities in medicare reimbursement can limit timely access to new technology for beneficiaries in States with lower reimbursement rates.

(8) Regional inequities in medicare reimbursement, if left unchecked, will reduce access to medicare services and impact healthy outcomes for beneficiaries.

(9) Regional inequities in medicare reimbursement are not just a rural versus urban problem. Many States with large urban centers are at the bottom of the national average for per beneficiary costs.

SEC. 3. IMPROVING FAIRNESS OF PAYMENTS TO PROVIDERS UNDER THE MEDICARE FEE-FOR-SERVICE PROGRAM.

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

''IMPROVING PAYMENT EQUITY UNDER THE ORIGINAL MEDICARE FEE-FOR-SERVICE PROGRAM

''SEC. 1897. (a) ESTABLISHMENT OF SYSTEM.—Notwithstanding any other provision of law, the Secretary shall establish a system for making adjustments to the amount of payment made to entities and individuals for items and services provided under the original medicare fee-for-service program under parts A and B.

''(b) SYSTEM REQUIREMENTS.—

''(1) INCREASE FOR STATES BELOW THE NATIONAL AVERAGE.—Under the system established under subsection (a), if a State average per beneficiary amount for a year is less than the national average per beneficiary amount for such year, then the Secretary (beginning in 2003) shall increase the amount of applicable payments in such a manner as will result (as estimated by the Secretary) in the State average per beneficiary amount for the subsequent year being equal to the national average per beneficiary amount for such subsequent year.

''(2) REDUCTION FOR CERTAIN STATES ABOVE THE NATIONAL AVERAGE TO ENHANCE QUALITY CARE AND MAINTAIN BUDGET NEUTRALITY.—

''(A) IN GENERAL.—The Secretary shall ensure that the increase in payments under paragraph (1) does not cause the estimated amount of expenditures under this title for a year to increase or decrease from the estimated amount of expenditures under this title that would have been made in such year if this section had not been enacted by reducing the amount of applicable payments in each State that the Secretary determines has—

''(i) a State average per beneficiary amount for a year that is greater than the national average per beneficiary amount for such year; and

''(ii) healthy outcome measurements or quality care measurements that indicate that a reduction in applicable payments would encourage more efficient use of, and reduce overuse of, items and services for which payment is made under this title.

''(B) LIMITATION.—The Secretary shall not reduce applicable payments under subparagraph (A) to a State that—

''(i) has a State average per beneficiary amount for a year that is greater than the national average per beneficiary amount for such year; and

''(ii) has healthy outcome measurements or quality care measurements that indicate that the applicable payments are being used to improve the access of beneficiaries to quality care.

''(3) DETERMINATION OF AVERAGES.—

''(A) STATE AVERAGE PER BENEFICIARY AMOUNT.—Each year (beginning in 2002), the Secretary shall determine a State average per beneficiary amount for each State which shall be equal to the Secretary's estimate of the average amount of expenditures under the original medicare fee-for-service program under parts A and B for the year for a beneficiary enrolled under such parts that resides in the State.

''(B) NATIONAL AVERAGE PER BENEFICIARY AMOUNT.—Each year (beginning in 2002), the Secretary shall determine the national average per beneficiary amount which shall be equal to the average of the State average per beneficiary amount determined under subparagraph (A) for the year.

''(4) DEFINITIONS.—In this section:

''(A) APPLICABLE PAYMENTS.—The term 'applicable payments' means payments made to entities and individuals for items and services provided under the original medicare fee-for-service program under parts A and B to beneficiaries enrolled under such parts that reside in the State.

''(B) STATE.—The term 'State' has the meaning given such term in section 210(h).

''(c) BENEFICIARIES HELD HARMLESS.—The provisions of this section shall not affect—

''(1) the entitlement to items and services of a beneficiary under this title, including the scope of such items and services; or

''(2) any liability of the beneficiary with respect to such items and services.

''(d) REGULATIONS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Medicare Payment Advisory Commission, shall promulgate regulations to carry out this section.

''(2) PROTECTING RURAL COMMUNITIES.—In promulgating the regulations pursuant to paragraph (1), the Secretary shall give special consideration to rural areas.''.

SEC. 4. MEDPAC RECOMMENDATIONS ON HEALTHY OUTCOMES AND QUALITY CARE.

(a) RECOMMENDATIONS.—The Medicare Payment Advisory Commission established under section 1805 of the Social Security Act (42 U.S.C. 1395b–6) shall develop recommendations on policies and practices that, if implemented, would encourage—

(1) healthy outcomes and quality care under the medicare program in States with respect to which payments are reduced under section 1897(b)(2) of such Act (as added by section 3); and

(2) the efficient use of payments made under the medicare program in such States.

(b) SUBMISSION.—Not later than the date that is 9 months after the date of enactment of this Act, the Commission shall submit to Congress the recommendations developed under subsection (a).

By Ms. COLLINS (for herself, Mr. NELSON of Nebraska, Mr. HUTCHINSON, Mrs. LINCOLN, Mr. SMITH of Oregon, and Mrs. CLINTON):

S. 2570. A bill to temporarily increase the Federal medical assistance percentage for the medicaid program, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today with my good friend, Senator BEN NELSON, to introduce a bill that would assist States through a period when most are experiencing fiscal crises. I am particularly pleased to team with Senator NELSON on this effort, as we have teamed on so many efforts in the past, because he has such a solid grasp of the fiscal issues now facing our States, and the ways we can most effectively help.

We are pleased to be joined today by Senators HUTCHINSON, LINCOLN, CLINTON and GORDON SMITH, making this, truly, a bipartisan effort.

The recession may have ended earlier this year, but its effects linger, and they are being felt acutely by States from Maine to Nebraska, from New York to California. Though the recession has ended and economic growth picked up in the first quarter of the year, unemployment continues to rise, and now, standing at 6 percent, the U.S. unemployment rate is at an eight-year high.

The recession, the resulting rise in unemployment, and the tragic events of September 11 have placed tremendous demands on government services and resources. At the same time, these factors have contributed to a dramatic and unexpected decrease in government revenues, at precisely the time when more revenues are needed to respond to the confluence of challenges that confront us.

The result of increasing demands for services and resources and declining revenues is that States across the Nation are in crisis. The National Governors Association and National Association of State Budget Officers this month found that over 40 States are facing an aggregate budget shortfall of between $40 and $50 billion. Most States have seen their estimates of tax collections for the current year decrease, often dramatically. And while State governments are scrambling to respond, they are constrained in their ability to do so by one key factor, they cannot run deficits. Forty-nine States are required by law or constitution to balance their budgets.

As a result, thirty-nine States have been forced to reduce their already-enacted budgets for fiscal year 2002 by cutting programs across-the-board, tapping rainy day funds, laying off employees, and implementing a variety of other cost-cutting measures. According to a National Conference of State Legislators report in April, States have been forced to cut a number of critical programs. Twenty-nine States have attempted to balance their budgets by cutting spending on higher education. Twenty-five States have cut corrections programs. Twenty-two have cut Medicaid. Seventeen States have cut K–12 education. And ten States have reduced aid to local governments. In addition, a number of States have raised taxes and fees by a total of $2.4 billion in 2003.

We believe that the Federal Government can and should help States, and that it should do so in a responsible way. Therefore, today we are introducing legislation that would provide a temporary increase in the Federal Medicaid matching rate. It would increase the Federal Government's share of each State's Medicaid costs by 1.0 percent and hold the Federal matching rate for each State harmless for the remainder of this fiscal year and next. In addition, the bill includes a temporary block grant to States that would help them pay for the rising demand in social services resulting from the economic downturn. Our bill would provide approximately $8.9 billion in total fiscal relief to States which would allow them to expand, not contract, Medicaid and other health and social services.

Our approach to fiscal relief has been endorsed by the National Governors Association, which supports our bill because it represents a sound and reasonable, bipartisan approach to State fiscal relief, and one that could be enacted expeditiously. It is also endorsed by the American Hospital Association,

which understands the importance of providing assistance to States at a time when many are looking toward health programs to help balance their budgets.

Our bill targets most of its assistance on Medicaid, which is the fastest growing component of State budgets. While State revenues were stagnant or declined in many states last year, Medicaid costs increased 11 percent. This year, Medicaid costs are increasing at an even greater rate, 13.4 percent. My home State of Maine is only one of a number of States that has been forced to consider cuts in their Medicaid programs to make up for their budget shortfalls.

Earlier this year, Maine was facing a $248 million revenue shortfall. Faced with nothing but tough choices, our Governor proposed $58 million in Medicaid cuts, including reductions in payments to hospitals, nursing homes, group homes, and physicians. He was also forced to propose a delay in the enactment of legislation passed by the State Legislature last year to expand Medicaid to provide health coverage to an estimated 16,000 low-income uninsured Mainers.

While subsequent revisions in the State's revenue forecasts enabled the Governor to restore most of these Medicaid cuts, the respite was only temporary. Earlier this month, Maine's budget estimators determined that the State's revenues would come in some $90 million under budget this year, and would experience another $90 million shortfall in the year to come. Suddenly, the State again must consider cutting critical programs and raising taxes. This is no small matter as, by some measures, Maine already imposes the highest tax burden in the Nation on its residents.

The legislation we are introducing today will help to bridge Maine's funding gap by bringing an additional $56 million to my State's Medicaid and social services programs over the next eighteen months These funds would help forestall the need for any further cuts, and, hopefully, allow Maine to proceed with its plans to expand its Medicaid program to provide health care coverage for more of our low-income uninsured.

The order facing Governor King in Maine and other governors across the country is a tall one indeed. The decisions they may be forced to make could affect the access of millions of Americans to health care and social services. I think we need to help, and the bill Senator NELSON and I introduce today does precisely that. We urge our colleagues to join us in this effort.

Mr. NELSON of Nebraska. Mr. President, today I introduce, with my good friend Senator SUSAN COLLINS, a new proposal to provide temporary fiscal relief to the states to help them address their severe budget crises.

A few months ago, this body passed and the President signed into law, a bill to stimulate the economy and help workers. It was not a perfect bill, but few are. But the economy was hurting and it was time to act. However, there were unintended consequences of that bill. Not only did the economic stimulus bill fail to provide State fiscal relief, but by making some changes to federal tax law, the bill unintentionally added to revenue shortfalls that most States are experiencing. This, in turn, has put programs such as medical assistance to the most vulnerable individuals in this country at risk.

While the national economy is recovering from the recession, States' budgets will take another 12–18 months to recover. The National Governors Association and National Association of State Budget Officers this month found that over 40 States are facing an aggregate budget shortfall of $40 to $50 billion. Thirty-eight States have seen their revenues fall below previous estimates, some by dramatic amounts.

Every State but one has to balance its budget, even in the midst of a recession. As a result, 41 States have been forced to reduce their fiscal 2002 enacted budgets by cutting programs across-the-board, tapping rainy day funds, laying off employees, and employing a variety of other cost-cutting measures. Some States have even had to raise taxes.

According to the National Governors Association, Medicaid spending has been a particular struggle for States, since expenditures have risen by an average of 12 percent over the last 2 years, while State revenues rose a total of 5 percent. Medicaid spending has been driven higher by increases in health care costs nationwide, particularly the costs of prescription drugs, which has increased by 18 percent annually over the past 3 years, and by recession-related increases in the number of people eligible for Medicaid.

States' Medicaid budget problems are exacerbated by scheduled reductions in Federal Medicaid payments to States. Between fiscal years 2001 and 2002, 29 States had their Medicaid matching rates drop and 17 States will have matching rate reductions between fiscal years 2002 and 2003.

To date, most States have been able to reduce Medicaid spending without cutting back eligibility significantly. As fiscal pressures mount, however, many States are likely to consider substantial reductions in eligibility that could leave hundreds of thousands more children, families, people with disabilities, and seniors uninsured.

In other words, States have largely exhausted the usual ways of balancing their budgets. Given the projection of continued deficits, this means States will have to continue to reduce critical spending for health care, social services as well as other important priorities such as education. Most States' fiscal year begins in July, underscoring the need for the Congress to act expeditiously on this critical matter.

Our proposal would provide a temporary 1.0-percent increase in the federal Medicaid matching rate. In addition, we hold the Federal matching rate for each State harmless for the remainder of this fiscal year and next. the bill also includes a temporary block grant to States that would help them pay for the rising demand in social services resulting from the economic downturn. Our bill would provide approximately $8.9 billion in total fiscal relief to States which would allow them to expand, not contract, Medicaid and other health and social services.

The National Governors Association has endorsed our approach to fiscal relief because it represents a sound and reasonable, bipartisan approach to State fiscal relief, one that could be enacted expeditiously. Our bill blends several fiscal relief approaches previously supported in the Senate and in the House. As such, I believe this proposal can gain the widespread bipartisan support necessary to move forward.

I urge my colleagues to join Senator COLLINS and me in this effort and show the States that Congress is not indifferent to their budget problems and that we will step in and provide meaningful assistance at a time when governors need it most.

Mr. HUTCHINSON. Mr. President, I am pleased to join Senator COLLINS and Senator NELSON in introducing legislation today that will provide a temporary increase in the Federal Medicaid matching rate through fiscal year 2003.

The National Governors Association and National Association of State Budget Officers recently reported that over 40 states are facing an aggregate shortfall of $40 to $50 billion. One of the primary reasons for these shortfalls is the rising cost of health care. Medicaid costs, which increased by 11 percent last year, are the fastest growing component of State budgets.

Our legislation is critical to addressing these State budget deficits, especially in Arkansas, where a $12.8 million Medicaid shortfall was announced last November. Specifically, our bill would increase the Federal Government's share of each State's Medicaid costs by 1.0 percent and hold harmless the Federal matching rate for each state for the remainder of this fiscal year and next. Additionally, a temporary block grant program would be established in order to help meet the rising demand for social services resulting from the recent economic downturn.

In total, this legislation will provide $8.9 billion in relief to States for the provision of Medicaid and social services. For Arkansas, this legislation will provide $71 million in relief over the next two years. Endorsed by the National Governors Association, this bipartisan legislation is worthy of Senate support, and I urge my colleagues to become cosponsors.

By Mrs. FEINSTEIN:

S. 2571. A bill to direct the Secretary of the Interior to conduct a special resources study to evaluate the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce this bill today to direct the Secretary of the Interior to conduct a study to evaluate the suitability and feasibility of expanding the Santa Monica National Recreation Area to include the Rim of the Valley Corridor. This bill was introduced in the House by Congressman ADAM SCHIFF last year.

The Rim of the Valley Corridor, as designated by California law, encircles the San Fernando Valley, La Crescenta, Simi, Santa Clarita, Conejo Valleys, consisting of parts of the Santa Monica Mountains, Santa Susanna Mountains, San Gabriel Mountains, Verdugo Mountains, San Rafael Hills and adjacent connector area to the Los Padres and San Bernardino National Forests.

With the population growth forecast for the next several decades, the need for parks to balance out the expected population growth has become critical in California. Federal, State, and local authorities have worked together successfully to create the highly successful Santa Monica Mountains National Recreation Area, the world's largest urban park, hemmed in on all sides by development. Park and recreational lands provide people with a vital refuge from urban life while preserving valuable habitat and wildlife. This bill enjoys strong support from local and state officials and I believe it will have strong bipartisan support as well.

After the study called for in this bill is completed, the Secretary of Interior and Congress will be in a key position to determine whether the Rim of the Valley warrants national park status.

I urge my colleagues to support this legislation.

By Mr. KERRY (for himself, Mr. SANTORUM, Mr. LIEBERMAN, Mr. SMITH of Oregon, Ms. MIKULSKI, Mr. BROWNBACK, Mrs. MURRAY, and Mr. HUTCHINSON):

S. 2572. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KERRY. Mr. President, I am extremely pleased to join with my colleague Senator SANTORUM today to introduce the Workplace Religious Freedom Act of 2002. Senators LIEBERMAN, GORDON SMITH, MURRAY, BROWNBACK, MIKULSKI, and HUTCHINSON have all joined us as original cosponsors of this important legislation.

The Workplace Religious Freedom Act would protect workers from on-the-job discrimination related to religious beliefs and practices. It represents a milestone in the protection of the religious liberties of all workers.

In 1972, Congress amended the Civil Rights Act of 1964 to require employers to reasonably accommodate an employee's religious practice or observance unless doing so would impose an undue hardship on the employer. This 1972 amendment, although completely appropriate, has been interpreted by the courts so narrowly as to place little restraint on an employer's refusal to provide religious accommodation. The Workplace Religious Freedom Act will restore to the religious accommodation provision the weight that Congress originally intended and help assure that employers have a meaningful obligation to reasonably accommodate their employees' religious practices.

The restoration of this protection is no small matter. For many religiously observant Americans the greatest peril to their ability to carry out their religious faiths on a day-to-day basis may come from employers. I have heard accounts from around the country about a small minority of employers who will not make reasonable accommodation for employees to observe the Sabbath and other holy days or for employees who must wear religiously-required garb, such as a yarmulke, or for employees to wear clothing that meets religion-based modesty requirements.

The refusal of an employer, absent undue hardship, to provide reasonable accommodation of a religious practice should be seen as a form of religious discrimination, as originally intended by Congress in 1972. And religious discrimination should be treated fully as seriously as any other form of discrimination that stands between Americans and equal employment opportunities. Enactment of the Workplace Religious Freedom Act will constitute an important step toward ensuring that all members of society, whatever their religious beliefs and practices, will be protected from an invidious form of discrimination.

Even after September 11, with a heightened sense of religious sensitivity among the American people, securing greater protections for the religious needs of employees is a major issue. In October 2001, the U.S. Supreme Court refused to hear an appeal from a Muslim woman who was pressured by her employer to stop wearing her head scarf. We must come together now to pass this bipartisan legislation, which is supported by a wide spectrum of religious organizations.

It is important to recognize that, in addition to protecting the religious freedom of employees, this legislation protects employers from an undue burden. Employees would be allowed to take time off only if their doing so does not pose a significant difficulty or expense for the employer. This common sense definition of undue hardship is used in the ''Americans with Disabilities Act'' and has worked well in that context.

We have little doubt that this bill is constitutional because it simply clarifies existing law on discrimination by private employers, strengthening the required standard for employers. This bill does not deal with behavior by State or Federal Governments or substantively expand 14th amendment rights.

This bill is endorsed by a wide range of organizations including the Agudath Israel of America, American Jewish Committee, American Jewish Congress, Americans for Democratic Action, Anti-Defamation League, Baptist Joint Committee on Public Affairs, B'nai B'rith International, Central Conference of American Rabbis, Christian Legal Society, Church of Scientology, Council on Religious Freedom, Family Research Council, Friends Committee on National Legislation, General Board, United Methodist Church, General Conf. of Seventh Day Adventists, Guru Gobind Singh Foundation, Hadassah, International Assocition of Jewish Lawyers, International Commission on Freedom of Conscience, Jewish Council for Public Affairs, Na'amat USA, National Assoc. of Evangelicals, National Council of Churches of Christ, National Council of Jewish Women, National Jewish Democratic Council, National Sikh Center, North American Council for Muslim Women, Presbyterian Church, USA, Rabbinical Council of America, Republican Jewish Coalition, Southern Baptist Convention, Traditional Values Coalition, Union of American Hebrew Congregations, Union of Orthodox Jewish Congregations, United Church of Christ, and the United Synagogue of Conservative Judaism.

I want to thank Senator SANTORUM for joining me to lead this effort. I look forward to working with him to pass this legislation so that all American workers can be assured of both equal employment opportunities and the ability to practice their religion.

By Mr. REED (for himself, Ms. COLLINS, Mr. SARBANES, Mr. CHAFEE, Mr. SCHUMER, Mr. AKAKA, Mr. CARPER, Mr. DODD, and Mr. CORZINE):

S. 2573. A bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, I rise today along with my colleagues, Senators COLLINS, SARBANES, CHAFEE, SCHUMER, AKAKA, CARPER, DODD, and CORZINE to introduce a piece of legislation we believe establishes a framework for ending long-term homelessness in the United States. There is a growing consensus around the country that fifteen years after the passage of the McKinney-Vento Act, we now know how to help communities break the cycle of repeated and prolonged homelessness. Federal dollars, combined with local efforts, can help bring an end to this problem. The Community

Partnership to End Homelessness Act of 2002 is intended to realign the incentives in the McKinney-Vento Homeless Assistance Act so that communities are rewarded for initiatives that will prevent and end homelessness, instead of receiving Federal funding for programs that maintain the status quo.

During the past year, the Urban Institute estimates that at least 2.3 million, and perhaps as many as 3.5 million people, have been homeless. On any given day in the United States, at least 800,000 people are homeless, including about 200,000 children. Homelessness has an especially devastating impact on these children. If they are able to go to school, it is well documented that homeless children face increased challenges, such as learning disabilities and emotional and behavioral problems.

This year's U.S. Conference of Mayors report on ''Hunger and Homelessness in America's Cities'' finds that requests for emergency shelter by families increased by 22 percent. Unfortunately, over half of all these requests for housing assistance went unmet. In my State, the Rhode Island shelter system provided more nights of shelter this past year than at any point in its history.

Locally and nationally, several trends seem clear. First, despite the economic boom in the 1990s, homelessness has increased. Second, increasing numbers of families with children are being forced into our emergency shelter system. In March of this year, the Washington Post, reported that there had been a 25 percent rise in homelessness in Fairfax County, Virginia during the past four years, and most of that increase consisted of homeless families. Third, a relatively small number of long-term homeless persons continue to utilize a disproportionate number of the bed nights in our Nation's shelters.

When it was created in 1987, the McKinney-Vento Homeless Assistance Act was intended to be an emergency federal response to the ''crisis'' of homelessness. Instead, it has become a safety net for low-income households who are inadequately served by mainstream programs such as Section 8 and Medicaid. Too often, mainstream programs are shifting the cost and responsibility for housing and a variety of support services to emergency homeless assistance programs.

To reverse this trend, the Community Partnership to End Homelessness Act of 2002 would focus federal funds on projects and programs that are helping to prevent and end homelessness. This legislation also would allow maximum local creativity in addressing homelessness by consolidating multiple HUD McKinney-Vento programs into one program with a list of eligible activities.

Our bill would also provide incentives for communities to build permanent housing for the disabled and for non-disabled families. It would encourage the creation of homelessness prevention programs, and it would promote comprehensive and inclusive local planning. Finally, it would require greater program accountability through the use of outcome-based performance evaluations.

The Community Partnership to End Homelessness Act of 2002 is endorsed by the National Alliance to End Homelessness, the Corporation for Supportive Housing, Fannie Mae, Freddie Mac, the Local Initiatives Support Corporation, the National Equity Fund, Inc., the National Alliance for the Mentally Ill, the McAuley Institute and the Enterprise Foundation.

We need to find the will and the resources to eradicate homelessness in this country. The Community Partnership to End Homelessness Act is only the beginning. The needs of homeless individuals and families fall within the jurisdiction of many federal departments and congressional committees. Thus, I believe additional legislation is going to be necessary in order to require Federal agencies such as HHS and the Department of Veterans Affairs to work with HUD in a more coordinated manner towards achieving this goal. I am committed to addressing this crisis, and I hope my colleagues will join us in supporting this bill and other homeless prevention efforts.

I ask unanimous consent that the text of the Community Partnership to End Homelessness Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2573

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Community Partnership to End Homelessness Act of 2002''.

SEC. 2. FINDINGS AND PURPOSE.

Section 102 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301) is amended to read as follows:

''SEC. 102. FINDINGS AND PURPOSE.

''(a) FINDINGS.—Congress finds that—

''(1) the United States faces a crisis of individuals and families who lack basic affordable housing and appropriate shelter;

''(2) assistance from the Federal Government is an important factor in the success of efforts by State and local governments and the private sector to address the problem of homelessness in a comprehensive manner;

''(3) there are several Federal Government programs to assist persons experiencing homelessness, including programs for individuals with disabilities, veterans, and youth;

''(4) homeless assistance programs must be evaluated on the basis of their effectiveness in reducing homelessness and transitioning individuals and families to permanent housing and stability;

''(5) States and units of general local government receiving Federal block grant and other Federal grant funds must be evaluated on the basis of their effectiveness in—

''(A) implementing plans to appropriately discharge individuals to and from mainstream service systems; and

''(B) reducing barriers to participation in mainstream programs, as identified in—

''(i) a report by the General Accounting Office entitled 'Homelessness: Coordination and Evaluation of Programs Are Essential', issued February 26, 1999; or

''(ii) a report by the General Accounting Office entitled 'Homelessness: Barriers to Using Mainstream Programs', issued July 6, 2000;

''(6) an effective plan for reducing homelessness should provide a comprehensive housing system (including permanent housing and, as needed, transitional housing) that recognizes that, while some individuals and families experiencing homelessness attain economic viability and independence utilizing transitional housing and then permanent housing, others can reenter society directly through acquiring permanent housing;

''(7) supportive housing activities include the provision of permanent housing or transitional housing and appropriate supportive services in an environment that can meet the short-term or long-term needs of persons experiencing homelessness as they reintegrate into mainstream society;

''(8) homeless housing and supportive services programs within a community are most effective when they are developed and operated as part of an inclusive, collaborative, locally driven homeless planning process that involves as decisionmakers persons experiencing homelessness, advocates for persons experiencing homelessness, service organizations, government officials, business persons, neighborhood advocates, and other community members;

''(9) homelessness should be treated as a symptom of many neighborhood and community problems, whose remedies require a comprehensive approach integrating all available resources;

''(10) there are many private sector entities, particularly nonprofit organizations, that have successfully operated outcome-effective homeless programs;

''(11) Federal homeless assistance should supplement other public and private funding provided by communities for housing and supportive services for low-income households;

''(12) the Federal Government has a responsibility to establish partnerships with State and local governments and private sector entities to address comprehensively the problems of homelessness; and

''(13) while the results of Federal programs targeted for persons experiencing homelessness have been positive, the multitude of such programs calls for unification and simplification of the process by which nonprofit organizations, State and local governments, and the private sector apply for funds.

''(b) PURPOSE.—It is the purpose of this Act—

''(1) to provide funds for programs to assist individuals and families in the transition from homelessness, and to prevent homelessness for those vulnerable to homelessness;

''(2) to consolidate the separate homeless assistance programs carried out under title IV (consisting of the supportive housing program and related innovative programs, the safe havens program, the section 8 assistance program for single-room occupancy dwellings, the shelter plus care program, and the rural homeless housing assistance program) into a single program with specific eligible activities;

''(3) to allow flexibility and creativity in rethinking solutions to homelessness, including alternative housing strategies, outcome-effective service delivery, and the involvement of persons experiencing homelessness in decisionmaking regarding opportunities for their long-term stability, growth, and well-being;

''(4) to ensure that multiple Federal agencies are involved in the provision of housing, health care, human services, employment, and education assistance to persons experiencing homelessness, as appropriate for the missions of the agencies, through the funding provided for implementation of programs carried out under this Act and other programs targeted for persons experiencing homelessness, and mainstream funding, and to promote coordination among those Federal agencies, including providing funding for an Interagency Council on Homelessness to advance such coordination;

''(5) to create a unified and performance-based process for allocating and administering funds under title IV;

''(6) to encourage comprehensive, collaborative local planning of housing and services programs for persons experiencing homelessness; and

''(7) to focus the resources and efforts of the public and private sectors on ending and preventing homelessness.''.

SEC. 3. INTERAGENCY COUNCIL ON HOMELESSNESS.

Title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) is amended—

(1) in section 202 (42 U.S.C. 11312)—

(A) in subsection (a)—

(i) by striking ''(16)'' and inserting ''(17)''; and

(ii) by inserting after paragraph (15) the following:

''(16) The Commissioner of Social Security, or the designee of the Commissioner.''; and

(B) by adding at the end the following:

''(e) ADMINISTRATION.—The Assistant to the President for Domestic Policy within the Executive Office of the President shall oversee the functioning of the Interagency Council on Homelessness to ensure Federal interagency collaboration and program coordination to focus on preventing and ending homelessness, to increase access to mainstream programs by persons experiencing homelessness, to eliminate the barriers to participation in those programs, as identified in a report by the General Accounting Office entitled 'Homelessness: Barriers to Using Mainstream Programs', issued July 6, 2000, and to implement a Federal plan to prevent and end homelessness.'';

(2) in section 203(a) (42 U.S.C. 11313(a))—

(A) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(B) by inserting after paragraph (5) the following:

''(6) develop mechanisms to ensure access by persons experiencing homelessness to all Federal programs for which the persons are eligible, and to verify collaboration among recipients and project sponsors within a community that receive Federal funding under programs targeted for persons experiencing homelessness, and other programs for which persons experiencing homelessness are eligible, including programs identified by the General Accounting Office in the February 1999 report entitled 'Homelessness: Coordination and Evaluation of Programs Are Essential' '; and

(3) by striking section 208 (42 U.S.C. 11318) and inserting the following:

''SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

''Of any amounts made available for any fiscal year to carry out subtitles B and C of title IV, $1,000,000 shall be allocated to the Assistant to the President for Domestic Policy within the Executive Office of the President to carry out this title.''.

SEC. 4. HOUSING ASSISTANCE GENERAL PROVISIONS.

Subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

''Subtitle A—General Provisions'';

(2)(A) by redesignating section 401 (42 U.S.C. 11361) as section 403; and

(B) by redesignating section 402 (42 U.S.C. 11362) as section 406;

(3) by inserting before section 403 (as redesignated in paragraph (2)) the following:

''SEC. 401. DEFINITIONS.

''In this title:

''(1) BOARD.—The term 'Board' means a Community Homeless Assistance Planning Board that is a representative planning body established in accordance with section 402.

''(2) COLLABORATIVE APPLICANT.—The term 'collaborative applicant' means—

''(A) an entity, which may or may not be a Board, that serves as the applicant for project sponsors who jointly submit a single application for a grant under subtitle C with the approval of, and in accordance with the collaborative process established by, a Board, and, if awarded such grant, receives such grant directly from the Secretary; or

''(B) an individual project sponsor who is an eligible entity under subtitle C and submits an application for a grant under subtitle C, with the approval of, and in accordance with the collaborative process established by, a Board, and, if awarded such grant, receives such grant directly from the Secretary.

''(3) COLLABORATIVE APPLICATION.—The term 'collaborative application' means an application for a grant under subtitle C that—

''(A) satisfies section 422 (including containing the information described in subsections (a) and (c) of section 426); and

''(B) is submitted to a Board and then to the Secretary by a collaborative applicant.

''(4) CONSOLIDATED PLAN.—The term 'Consolidated Plan' means a comprehensive housing affordability strategy and community development plan required in part 91 of title 24, Code of Federal Regulations.

''(5) ELIGIBLE ENTITY.—The term 'eligible entity' means, with respect to a subtitle, a public or private entity eligible to receive directly grant amounts under that subtitle.

''(6) GEOGRAPHIC AREA.—The term 'geographic area' means a State, metropolitan city, urban county, town, village, or other nonentitlement area, or a combination or consortia of such, in the United States, as described in section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306).

''(7) HOMELESS INDIVIDUAL WITH A DISABILITY.—

''(A) IN GENERAL.—The term 'homeless individual with a disability' means an individual who is homeless, as defined in section 103 and has a disability that—

''(i)(I) is expected to be long-continuing or of indefinite duration;

''(II) substantially impedes the individual's ability to live independently;

''(III) could be improved by the provision of more suitable housing conditions; and

''(IV) is a physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse;

''(ii) is a developmental disability, as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002); or

''(iii) is the disease of acquired immunodeficiency syndrome or any condition arising from the etiologic agency for acquired immunodeficiency syndrome.

''(B) RULE.—Nothing in clause (iii) of subparagraph (A) shall be construed to limit eligibility under clause (i) or (ii) of subparagraph (A).

''(8) INDEPENDENTLY OWNED.—The term 'independently owned', used with respect to rental assistance, means assistance provided pursuant to a contract that—

''(A) is between—

''(i) the recipient or a project sponsor; and

''(ii) an independent entity that—

''(I) is a private organization; and

''(II) owns or leases dwelling units; and

''(B) provides that rental assistance payments shall be made to the independent entity and that eligible persons shall occupy such assisted units.

''(9) LOW-DEMAND PROGRAM.—The term 'low-demand program' means a program that does not require, but offers, in a non-coercive manner—

''(A)(i) health care services, mental health services, and substance abuse treatment services; and

''(ii) other supportive services, which may include medication management, education, counseling, job training, and assistance in obtaining entitlement benefits or in obtaining such supportive services; and

''(B) referrals for services described in subparagraph (A).

''(10) METROPOLITAN CITY; URBAN COUNTY; NONENTITLEMENT AREA.—The terms 'metropolitan city', 'urban county', and 'nonentitlement area' have the meanings given such terms in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)).

''(11) NEW.—The term 'new', used with respect to housing, means housing for which no assistance has been provided under this title.

''(12) OPERATING COSTS.—The term 'operating costs' means expenses incurred by a recipient or project sponsor operating—

''(A) transitional housing or permanent housing under this title with respect to—

''(i) the administration, maintenance, repair, and security of such housing;

''(ii) utilities, fuel, furnishings, and equipment for such housing; or

''(iii) conducting an assessment under section 426(c)(2); and

''(B) supportive housing, for homeless individuals with disabilities or homeless families that include such an individual, under this title with respect to—

''(i) the matters described in clauses (i), (ii), and (iii) of subparagraph (A); and

''(ii) coordination of services as needed to ensure long-term housing stability.

''(13) OUTPATIENT HEALTH SERVICES.—The term 'outpatient health services' means outpatient health care services, mental health services, and outpatient substance abuse treatment services.

''(14) PERMANENT HOUSING.—The term 'permanent housing' includes permanent supportive housing.

''(15) PERMANENT HOUSING DEVELOPMENT ACTIVITIES.—The term 'permanent housing development activities' means activities—

''(A) to construct, lease, rehabilitate, or acquire structures to provide permanent housing;

''(B) involving tenant-based, independently owned, and project-based flexible rental assistance for permanent housing;

''(C) described in paragraphs (1) through (4) of section 423(a); or

''(D) involving the capitalization of a dedicated project account from which payments are allocated for rental assistance and operating costs of permanent housing.

''(16) PRIVATE NONPROFIT ORGANIZATION.—The term 'private nonprofit organization' means an organization—

''(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

''(B) that has a voluntary board;

''(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

''(D) that practices nondiscrimination in the provision of assistance.

''(17) PROJECT.—The term 'project', used with respect to activities carried out under subtitle C, means eligible activities described in section 423(a), undertaken pursuant to a specific endeavor, such as serving a particular population or providing a particular resource.

''(18) PROJECT-BASED.—The term 'project-based', used with respect to rental assistance, means assistance provided pursuant to a contract that—

''(A) is between—

''(i) the recipient or a project sponsor; and

''(ii) an owner of a structure that exists as of the date the contract is entered into; and

''(B) provides that rental assistance payments shall be made to the owner and that the units in the structure shall be occupied by eligible persons for not less than the term of the contract.

''(19) PROJECT SPONSOR.—The term 'project sponsor', used with respect to proposed eligible activities, means the organization directly responsible for carrying out the proposed eligible activities.

''(20) RECIPIENT.—Except as used in subtitle B, the term 'recipient' means an eligible entity who—

''(A) submits an application for a grant under section 422 that is approved by the Secretary;

''(B) receives the grant directly from the Secretary to support approved projects described in the application; and

''(C)(i) serves as a project sponsor for the projects; or

''(ii) awards the funds to project sponsors to carry out the projects.

''(21) SAFE HAVEN.—

''(A) IN GENERAL.—The term 'safe haven' means a facility—

''(i) that provides 24-hour residence for an unspecified duration for persons who, on entry to the facility, are unwilling or unable to participate in mental health or substance abuse treatment programs, or to receive other supportive services;

''(ii) that provides private or semi-private accommodations;

''(iii) that may provide for the common use of kitchen facilities, dining rooms, and bathrooms;

''(iv) that may provide supportive services, on a drop-in basis, to eligible persons who are not residents; and

''(v) in which overnight occupancy is limited to no more than 25 persons.

''(B) RULES.—

''(i) SUPPLEMENTAL SECURITY INCOME.—For purposes of the program carried out under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.)—

''(I) no individual living in a facility described in subparagraph (A) and authorized under this title shall be considered to be an inmate of a public institution (as provided in section 1611(e)(1)(A) of the Social Security Act (42 U.S.C. 1382(e)(1)(A))); and

''(II) no individual living in a facility described in subparagraph (A) and authorized under this title shall have benefits under title XVI of the Social Security Act reduced or terminated because of the receipt of support and maintenance (as provided in section 1612(a)(2)(A) of the Social Security Act (42 U.S.C. 1382a(a)(2)(A)), to the extent such support and maintenance is received as a result of residence in the facility.

''(ii) MEDICAID ASSISTANCE.—For purposes of the program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.)—

''(I) a facility described in subparagraph (A) and authorized under this title shall not be considered to be a hospital, nursing facility, institution for mental diseases (as defined in section 1905(i) of the Social Security Act (42 U.S.C. 1396d(i))), or any other inpatient facility; and

''(II) an individual residing in a facility described in subparagraph (A) and authorized under this title shall not be denied eligibility for assistance under such title because of residency in the facility.

''(22) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

''(23) SERIOUSLY MENTALLY ILL.—The term 'seriously mentally ill' means having a severe and persistent mental illness or emotional impairment that seriously limits a person's ability to live independently.

''(24) SOLO APPLICANT.—The term 'solo applicant' means an entity that is an eligible entity, directly submits an application for a grant under subtitle C to the Secretary, and, if awarded such grant, receives such grant directly from the Secretary.

''(25) STATE.—Except as used in subtitle B, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(26) SUPPORTIVE SERVICES.—The term 'supportive services' means the services described in section 425.

''(27) TENANT-BASED.—The term 'tenant-based', used with respect to rental assistance, means assistance that allows an eligible person to select a housing unit in which such person will live using rental assistance provided under subtitle C, except that if necessary to assure that the provision of supportive services to a person participating in a program is feasible, a recipient or project sponsor may require that the person live—

''(A) in a particular structure or unit for not more than the first year of the participation; and

''(B) within a particular geographic area for the full period of the participation, or the period remaining after the period referred to in subparagraph (A).

''(28) TRANSITIONAL HOUSING.—The term 'transitional housing' has the meaning given the term in section 424(b), and includes transitional supportive housing.

''SEC. 402. COMMUNITY HOMELESS ASSISTANCE PLANNING BOARDS.

''(a) BOARDS.—A Board shall be established for a geographic area by the relevant parties in that geographic area, or designated for a geographic area by the Secretary in accordance with subsection (c), to lead a collaborative planning process to design, execute, and evaluate programs, policies, and practices to prevent and end homelessness.

''(b) MEMBERSHIP.—A Board established under subsection (a) shall be composed of persons—

''(1) from a particular geographic area;

''(2) not less than 51 percent of whom are—

''(A) persons who are experiencing or have experienced homelessness (with not fewer than 2 persons being individuals who are experiencing or have experienced homelessness);

''(B) persons who act as advocates for the diverse subpopulations of persons experiencing homelessness; and

''(C) persons or representatives of organizations who provide assistance to the variety of individuals and families experiencing homelessness; and

''(3) the remainder of whom are selected from among—

''(A) government officials, particularly those officials responsible for administering funding under programs targeted for persons experiencing homelessness, and other programs for which persons experiencing homelessness are eligible, including programs identified by the General Accounting Office in the February 1999 report entitled 'Homelessness: Coordination and Evaluation of Programs Are Essential';

''(B) members of the business community; and

''(C) members of neighborhood advocacy organizations.

''(c) EXISTING PLANNING BODIES.—The Secretary may designate an entity to be a Board if such entity has, prior to the date of enactment of the Community Partnership to End Homelessness Act of 2002, engaged in coordinated, comprehensive local homeless housing and services planning and applied for Federal funding to provide homeless assistance.

''(d) REMEDIAL ACTION.—If the Secretary finds that a Board for a geographic area does not meet the requirements of this section, the Secretary may take remedial action to ensure fair distribution of grant amounts under subtitle C to eligible entities within that area. Such measures may include designating another body as a Board or permitting eligible entities to apply directly for grants.

''(e) CONSTRUCTION.—Nothing in this section shall be construed to displace conflict of interest or government fair practices laws, or their equivalent, that govern applicants for grant amounts under subtitles B and C.

''(f) DUTIES.—A Board established under subsection (a) shall—

''(1)(A) design a collaborative process, established jointly and complied with by its members, for evaluating, reviewing, and prioritizing projects and applications submitted by eligible entities under subtitles B and C, in such a manner as to ensure that the entities further the goal of preventing and ending homelessness in the geographic area involved;

''(B)(i)(I) review relevant policies and practices (in place and planned) of public and private entities in the geographic area served by the Board to determine if the policies and practices further or impede the goal described in subparagraph (A);

''(II) in conducting the review, give priority to the review of—

''(aa) the discharge planning and service termination policies and practices of publicly funded facilities or institutions (such as health care or treatment facilities or institutions, foster care or youth facilities, or correctional institutions), and entities carrying out publicly funded programs and systems of care (such as health care or treatment programs, State programs funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) (relating to Temporary Assistance for Needy Families), foster care or youth programs, or correctional programs), to ensure that such a discharge or termination does not result in immediate homelessness for the persons involved;

''(bb) the access and utilization policies and practices of the entities carrying out mainstream programs, as identified in the 2 reports described in section 102(a)(5)(B), to ensure that persons experiencing homelessness are able to access and utilize the programs; and

''(cc) local policies and practices relating to zoning and enforcement of local statutes,

to ensure that the policies and practices allow reasonable inclusion and distribution in the geographic area of special needs populations and families with children; and

''(III) in conducting the review, determine the modifications and corrective actions that need to be taken, and by whom, to ensure that the relevant policies and practices do not stimulate, or prolong, homelessness in the geographic area;

''(ii) inform the entities of the determinations described in clause (i); and

''(iii) once every 3 years, prepare for inclusion in any application reviewed by the Board and submitted to the Secretary under section 422, the determinations described in clause (i), in the form of an exhibit entitled 'Assessment of Relevant Policies and Practices, and Needed Corrective Actions to End and Prevent Homelessness'; and

''(C) if the Board designs and carries out the projects, design and carry out the projects in such a manner as to further the goal described in subparagraph (A);

''(2) require, consistent with the Government Performance and Results Act of 1993 and amendments made by that Act, that recipients and project sponsors who are funded by grants received under such subtitles implement and maintain an outcome-based evaluation of their projects that measures effective and timely delivery of housing or services and whether provision of such housing or services results in preventing or ending homelessness for the persons that such recipients and project sponsors serve;

''(3) require, consistent with the Government Performance and Results Act of 1993 and amendments made by that Act, outcome-based evaluation of the Board's homeless assistance planning process to measure the Board's performance in preventing or ending the homelessness of persons in the Board's geographic area; and

''(4) participate in the Consolidated Plan for the geographic area served by the Board.'';

(4) by inserting after section 403 (as redesignated in paragraph (2)) the following:

''SEC. 404. TECHNICAL ASSISTANCE.

''(a) IN GENERAL.—The Secretary shall provide technical assistance to—

''(1) States, metropolitan cities, urban counties, and counties that are not urban counties, that have not applied for, or have failed to receive, funding under this title, in order to implement effective planning processes for preventing and ending homelessness and to improve their capacity to prepare collaborative applications; and

''(2) Boards or their predecessor homeless planning bodies in States, metropolitan cities, urban counties, and counties that are not urban counties, that have not applied for, or have failed to receive, funding under this title, in order to improve their capacity to prepare collaborative applications.

''(b) RESERVATION.—The Secretary shall reserve not more than 1 percent (and not more than $12,000,000) of the funds made available for any fiscal year for carrying out subtitles B and C, to provide technical assistance under subsection (a) and to develop and maintain a client-level management information system to assist in directing resources for the programs carried out under those subtitles to the activities that can most effectively prevent and end homelessness.

''SEC. 405. PERFORMANCE REPORTS.

''(a) IN GENERAL.—A Board shall submit to the Secretary an annual performance report regarding the activities carried out with grant amounts received under subtitles B and C in the geographic area served by the Board, at such time and in such manner as the Secretary determines to be reasonable.

''(b) CONTENT.—The performance report described in subsection (a) shall—

''(1) describe the number of persons provided homelessness prevention assistance (including the number of such persons who were discharged or whose services were terminated as described in section 422(d)(2)(B)(ii)(I)(bb)), and the number of individuals and families experiencing homelessness who were provided shelter, housing, or supportive services, with the grant amounts awarded in the fiscal year prior to the fiscal year in which the report was submitted, including measurements of the number of persons experiencing homelessness who—

''(A) entered permanent housing, and the length of time such persons resided in that housing, if known;

''(B) entered transitional housing, and the length of time such persons resided in that housing, if known;

''(C) obtained or retained jobs;

''(D) increased their income, including increasing income through the receipt of government benefits;

''(E) received mental health or substance abuse treatment in an institutional setting and now receive that assistance in a less restrictive, community-based setting;

''(F) received additional education, vocational or job training, or employment assistance services; and

''(G) received additional physical, mental, or emotional health care;

''(2) estimate the number of persons experiencing homelessness in the geographic area served by the Board who are eligible for, but did not receive, services, housing, or other assistance through the programs funded under subtitles B and C in the prior fiscal year;

''(3) indicate the accomplishments achieved within the geographic area that involved the use of the grant amounts awarded in the prior fiscal year, regarding efforts to coordinate services and programs within the geographic area;

''(4) indicate the accomplishments achieved within the geographic area to—

''(A) increase access by persons experiencing homelessness to programs that are not targeted for persons experiencing homelessness (but for which persons experiencing homelessness are eligible), including mainstream programs, as identified in the 2 reports described in section 102(a)(5)(B); and

''(B) prevent the homelessness of persons discharged from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities or systems of care, institutions or systems of care relating to the temporary assistance to needy families program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), and corrections programs and institutions);

''(5) describe how the Board and other involved public and private entities within the geographic area will incorporate their experiences in the prior fiscal year into the programs and process that the Board and entities will implement during the next fiscal year, including describing specific strategies to improve their performance outcomes;

''(6) assess the consistency and coordination between the programs funded under subtitles B and C in the prior fiscal year and the Consolidated Plan;

''(7) include updates to the exhibits described in section 402(f)(1)(B)(iii) that were included in applications—

''(A) submitted under section 422 by applicants from the geographic area; and

''(B) approved by the Secretary; and

''(8) provide such other information as the Secretary finds relevant to assessing performance, including performance on success measures that are risk-adjusted to factors related to the circumstances of the population served.

''(c) WAIVER.—The Secretary may grant a waiver to any Board that is unable to provide information required by subsection (b). Such Board shall submit a plan to provide such information within a reasonable period of time.''; and

(5) by inserting after section 406 (as redesignated in paragraph (2)) the following:

''SEC. 407. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out title II and this title $1,600,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal years 2004, 2005, 2006, and 2007.''.

SEC. 5. EMERGENCY SHELTER GRANTS PROGRAM.

Subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.) is amended—

(1) by striking section 412 (42 U.S.C. 11372) and inserting the following:

''SEC. 412. GRANT ASSISTANCE.

''The Secretary shall make grants to States and local governments (and to private nonprofit organizations providing assistance to persons experiencing homelessness, in the case of grants made with reallocated amounts) for the purpose of carrying out activities described in section 414.

''SEC. 412A. AMOUNT AND ALLOCATION OF ASSISTANCE.

''(a) IN GENERAL.—Of the amount made available to carry out this subtitle and subtitle C for a fiscal year, the Secretary shall allocate nationally not more than 15 percent of such amount for activities described in section 414.

''(b) ALLOCATION.—An entity that receives a grant under section 412, and serves an area that includes 1 or more geographic areas (or portions of such areas) served by Boards that submit applications under subtitle C, shall allocate the funds made available through the grant to carry out activities described in section 414, in consultation with the Boards.'';

(2) in section 413(b) (42 U.S.C. 11373(b)), by striking ''amounts appropriated'' and all that follows through ''for any'' and inserting ''amounts appropriated under section 407 and made available to carry out this subtitle for any'';

(3) by striking section 414 (42 U.S.C. 11374) and inserting the following:

''SEC. 414. ELIGIBLE ACTIVITIES.

''Assistance provided under section 412 may be used for the following activities:

''(1) The renovation, major rehabilitation, or conversion of buildings to be used as emergency shelters.

''(2) The provision of essential services, including services concerned with employment, health, or education, family support services for homeless youth, alcohol or drug abuse prevention or treatment, or mental health treatment, if such essential services have not been provided by the local government during any part of the immediately preceding 12-month period, or the use of assistance under this subtitle would complement the provision of those essential services.

''(3) Maintenance, operation insurance, provision of utilities, and provision of furnishings.''; and

(4) by repealing sections 417 and 418 (42 U.S.C. 11377, 11378).

SEC. 6. HOMELESS ASSISTANCE PROGRAM.

Subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

"Subtitle C—Homeless Assistance Program";

(2) by striking sections 421 through 423 (42 U.S.C. 11381 et seq.) and inserting the following:

"SEC. 421. PURPOSES.

''The purposes of this subtitle are—

''(1) to promote the development of transitional and permanent housing—

''(A) through the creation and operation of new housing stock, and the leasing or operation of housing that is not new housing stock; and

''(B) by promoting the provision of very low-cost housing to persons experiencing homelessness who are unwilling or unable to participate in mental health or substance abuse treatment programs, or to receive other supportive services;

''(2) to promote the provision of needed housing-related supportive services to assist persons experiencing homelessness in the transition from homelessness, enabling the persons to live as independently as possible; and

''(3) to promote the implementation of activities that can prevent vulnerable individuals and families from becoming homeless.

"SEC. 422. COMMUNITY HOMELESS ASSISTANCE PROGRAM.

''(a) ELIGIBLE APPLICANT.—In this section, the term 'eligible applicant' means a collaborative applicant or solo applicant.

''(b) PROJECTS.—The Secretary shall award grants to eligible applicants to carry out homeless assistance and prevention projects.

''(c) NOTIFICATION OF FUNDING AVAILABILITY.—The Secretary shall release a Notification of Funding Availability for grants awarded under this subtitle for a fiscal year not later than 3 months after the date of enactment of the appropriate Act making appropriations for the Department of Housing and Urban Development for the fiscal year.

''(d) APPLICATIONS.—

''(1) IN GENERAL.—To receive a grant under subsection (b), an eligible applicant shall submit an application for the grant to a Board in accordance with the collaborative process established by the Board, as described in section 402, and have such application reviewed, approved, and prioritized by such Board, except that a solo applicant may submit such application to the Secretary without participating in such process if the applicant includes information in such application regarding why the applicant has not participated.

''(2) SUBMISSION TO THE SECRETARY.—To receive the grant, after receiving approval from the Board for the application, the eligible applicant shall submit an application to the Secretary at such time and in such manner as the Secretary may require, and containing—

''(A) the application submitted to the Board; and

''(B) other information that, in addition to including the information described in subsections (a) and (c) of section 426, shall—

''(i) describe the establishment and function of the Board, including—

''(I) the nomination and selection process for such Board, including the names and affiliations of all such Board members;

''(II) all meetings held by such Board in preparing the collaborative application, including identification of those meetings that were public; and

''(III) all meetings between Board representatives, and persons responsible for administering the Consolidated Plan;

''(ii) outline the range of housing and service programs available to persons experiencing homelessness or imminently at risk of experiencing homelessness and describe the unmet needs that remain in the geographic area for which the collaborative applicant seeks funding regarding—

''(I) prevention activities, including providing assistance in—

''(aa) making mortgage, rent, or utility payments; or

''(bb) accessing permanent housing and transitional housing for individuals (and families that include the individuals) who are being discharged from a publicly funded facility, program, or system of care, or whose services (from such a facility, program, or system of care) are being terminated;

''(II) outreach activities to assess the needs and conditions of persons experiencing homelessness;

''(III) emergency shelters, including the supportive and referral services the shelters provide;

''(IV) transitional housing with, as needed, appropriate supportive services to help persons experiencing homelessness who are not yet able or prepared to make the transition to permanent housing and independent living;

''(V) permanent housing to help meet the long-term needs of individuals and families experiencing homelessness; and

''(VI) needed supportive services;

''(iii) prioritize the projects for which the collaborative applicant seeks funding according to the unmet needs in the fiscal year in which the applicant submits the application as described in clause (ii);

''(iv) identify funds from private and public sources, other than funds received under subtitles B and C, that the State, units of general local government, recipients, project sponsors, and others will use for homelessness prevention, emergency shelter, supportive services, transitional housing, and permanent housing, that will be integrated with the assistance provided under subtitles B and C;

''(v) identify funds provided by the State and units of general local government under programs targeted for persons experiencing homelessness, and other programs for which persons experiencing homelessness are eligible, including programs identified by the General Accounting Office in the February 1999 report entitled 'Homelessness: Coordination and Evaluation of Programs Are Essential';

''(vi) explain—

''(I) how the collaborative applicant will meet the housing and service needs of individuals and families experiencing homelessness in the applicant's community; and

''(II) the strategy of the State, units of general local government, and private entities in the geographic area over the next 5 years to prevent and end homelessness, including, as part of that strategy, a work plan for the applicable fiscal years;

''(vii) report on the outcome-based performance of the homeless programs within the geographic area served by the collaborative applicant that were funded under this title in the fiscal year prior to the fiscal year in which the application is submitted;

''(viii) include any relevant required agreements under subtitle C;

''(ix) contain a certification of consistency with the Consolidated Plan pursuant to section 403; and

''(x)(I) in the case of a collaborative applicant, include an exhibit described in section 402(f)(1)(B)(iii) and prepared by the Board in accordance with that section; or

''(II) in the case of a solo applicant, include an exhibit described in section 402(f)(1)(B)(iii) and prepared by the applicant.

''(3) ANNOUNCEMENT OF AWARDS.—The Secretary shall announce, not later than 5 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants awarded under subsection (b) for that fiscal year.

''(4) OBLIGATION, DISTRIBUTION, AND UTILIZATION OF FUNDS.—

''(A) REQUIREMENTS FOR OBLIGATION.—

''(i) IN GENERAL.—Not later than 9 months after the announcement referred to in paragraph (3), each recipient or project sponsor seeking the obligation of funds for a grant announced under paragraph (3) shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements, except as provided in clause (ii).

''(ii) ACQUISITION, REHABILITATION, OR CONSTRUCTION.—Not later than 15 months after the announcement referred to in paragraph (3), each recipient or project sponsor seeking the obligation of funds for acquisition of housing, rehabilitation of housing, or construction of new housing for a grant announced under paragraph (3) shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements.

''(iii) EXTENSIONS.—At the discretion of the Secretary, and in compelling circumstances, the Secretary may extend the date by which a recipient or project sponsor shall meet the requirements described in clause (i) if the Secretary determines that compliance with the requirements was delayed due to factors beyond the reasonable control of the recipient or project sponsor. Such factors may include difficulties in obtaining site control for a proposed project, completing the process of obtaining secure financing for the project, or completing the technical submission requirements for the project.

''(B) OBLIGATION.—Not later than 45 days after a recipient or project sponsor meets the requirements described in subparagraph (A)(i), the Secretary shall obligate the funds for the grant involved.

''(C) DISTRIBUTION.—A recipient that receives funds through such a grant—

''(i) shall distribute the funds to project sponsors (in advance of expenditures by the project sponsors); and

''(ii) shall distribute the appropriate portion of the funds to a project sponsor not later than 21 days after receiving a request for such distribution from the project sponsor.

''(e) SELECTION CRITERIA.—In determining whether to award a grant to an applicant under subsection (b), the Secretary shall consider, in addition to criteria described in section 426(b)—

''(1) the inclusiveness of the Board involved and the process the Board administered, if applicable;

''(2) the comprehensiveness and coordination of the homelessness prevention, housing, and services programs (including discharge planning and service termination protocols) within the geographic area served by the Board;

''(3) the extent to which prioritized programs meet unmet needs;

''(4) the capacity of the geographic area to leverage funding from other public and private sources;

''(5) the long-term strategy of the applicable States and units of general local government to combat, prevent, and end homelessness;

''(6) the performance of the homelessness prevention, housing, and services programs funded in the fiscal year prior to the date of submission of the application;

''(7) the need for services in the geographic area;

''(8) the plan by which—

''(A) access to appropriate permanent housing will be secured if the proposed project does not include permanent housing; and

''(B) access to outcome-effective supportive services will be secured for residents or consumers involved in the project who are willing to use the services;

''(9) the evaluation plan for evaluations of the project, which—

''(A) will use periodically collected information and analysis to determine whether the project has resulted in enhanced stability and well-being of the residents or consumers served by the project;

''(B) will include evaluations obtained directly from the individuals or families served by the project; and

''(C) will be submitted by the recipient for the grant to the Board for review and use in assessments, conducted by the Board consistent with the Board's duty to ensure effective outcomes that contribute to the goal of preventing and ending homelessness in the geographic area served by the Board; and

''(10) any other criteria the Secretary determines to be reasonably appropriate.

''(f) NOTIFICATION OF PRO RATA ESTIMATED GRANT AMOUNTS.—

''(1) NOTICE.—The Secretary shall inform each Board, at a time concurrent with the release of the Notice of Funding Availability for the grants, of the pro rata estimated grant amount under this subtitle for the geographic area represented by the Board.

''(2) AMOUNT.—

''(A) BASIS.—Such estimated grant amount shall be based on a percentage of the total funds available, or estimated to be available, to carry out this subtitle for any fiscal year that is equal to the percentage of the total amount available for section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306) for the prior fiscal year that—

''(i) was allocated to all metropolitan cities and urban counties within the geographic area represented by the Board; or

''(ii) would have been distributed to all counties within such geographic area that are not urban counties, if the 30 percent portion of the allocation to the State involved (as described in subsection (d)(1) of that section 106) for that year had been distributed among the counties that are not urban counties in the State in accordance with the formula specified in that subsection (with references in that subsection to nonentitlement areas considered to be references to those counties).

''(B) RULE.—In computing the estimated grant amount, the Secretary shall adjust the estimated grant amount determined pursuant to subparagraph (A) to ensure that—

''(i) 75 percent of the total funds available, or estimated to be available, to carry out this subtitle for any fiscal year are allocated to the metropolitan cities and urban counties that received a direct allocation of funds under section 413 for the prior fiscal year; and

''(ii) 25 percent of the total funds available, or estimated to be available, to carry out this subtitle for any fiscal year are allocated—

''(I) to the metropolitan cities and urban counties that did not receive a direct allocation of funds under section 413 for the prior fiscal year; and

''(II) to counties that are not urban counties.

''(C) COMBINATIONS OR CONSORTIA.—For Boards that represent a combination or consortium of cities or counties, the estimated grant amount shall be the sum of the estimated grant amounts for the cities or counties represented by the Board.

''(g) APPEALS.—

''(1) IN GENERAL.—Not later than 3 months after the date of enactment of the Community Partnership to End Homelessness Act of 2002, the Secretary shall establish a timely appeal procedure for grant amounts awarded or denied under this subtitle pursuant to a collaborative application or solo application for funding.

''(2) PROCESS.—The Secretary shall ensure that the procedure permits appeals submitted by Boards, entities carrying out homeless housing and services projects (including emergency shelters and homelessness prevention programs), homeless planning bodies not designated by the Secretary as Boards, and all other applicants under this subtitle.

''(h) SOLO APPLICANTS.—A solo applicant may submit an application to the Secretary for a grant under subsection (b) and be awarded such grant on the same basis as such grants are awarded to other applicants based on the criteria described in subsection (e). The Secretary may award such grants directly to such applicants in a manner determined to be appropriate by the Secretary.

''SEC. 423. ELIGIBLE ACTIVITIES.

''(a) IN GENERAL.—The Secretary may award grants to qualified applicants under section 422 to carry out homeless assistance and prevention projects that consist of 1 or more of the following eligible activities:

''(1) Construction of new housing units to provide transitional or permanent housing.

''(2) Acquisition or rehabilitation of a structure to provide transitional or permanent housing, other than emergency shelter, or to provide supportive services.

''(3) Leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing, or providing supportive services.

''(4) Provision of rental assistance to provide transitional or permanent housing to eligible persons. The rental assistance may include tenant-based, project-based, or independently owned rental assistance.

''(5) Payment of operating costs for housing units assisted under this subtitle.

''(6) Supportive services, except that beginning 3 years after the date of enactment of the Community Partnership to End Homelessness Act of 2002, for both new and renewal projects, the only allowable supportive services will be case management, life skills training, outreach, housing counseling, and other services determined by the Secretary (either at the Secretary's initiative or on the basis of adequate justification by an applicant) to be directly relevant to allowing persons experiencing homelessness to access and retain housing.

''(7) Homeless management information services.

''(8) Monitoring and evaluation activities related to—

''(A) measuring the outcomes of a Board's homeless assistance planning process for preventing and ending homelessness; and

''(B)(i) the effective and timely implementation of specific projects funded under this subtitle, relative to projected outcomes; and

''(ii) in the case of a housing project funded under this subtitle, compliance with appropriate standards of housing quality and habitability as determined by the Secretary.

''(9) Prevention activities, including—

''(A) providing financial assistance to individuals or families who have received eviction notices, foreclosure notices, or notices of termination of utility services if, in the case of such an individual or family—

''(i) the inability of the individual or family to make the required payments is due to a sudden reduction in income;

''(ii) the assistance is necessary to avoid the eviction, foreclosure, or termination of services; and

''(iii) there is a reasonable prospect that the individual or family will be able to resume the payments within a reasonable period of time; and

''(B) carrying out relocation activities (including providing security or utility deposits, rental assistance for a final month at a location, assistance with moving costs, or rental assistance for not more than 6 months) for moving into transitional or permanent housing, individuals, and families that include such individuals—

''(i) who lack housing;

''(ii) who are being discharged from a publicly funded acute care or long-term care facility, program, or system of care, or whose services (from such a facility, program, or system of care) are being terminated; and

''(iii) who have plans, developed collaboratively by the public entities involved and the individuals and families, for securing or maintaining housing after any funding provided under this subtitle is utilized.

''(b) ELIGIBILITY FOR FUNDS FOR PREVENTION ACTIVITIES.—To be eligible to receive grant funds under section 422 to carry out the prevention activities described in subsection (a)(9), an applicant shall submit an application to the Secretary under section 422 that shall include a certification in which—

''(1) the relevant public entities in the geographic area involved certify compliance with subsection (c); and

''(2) the publicly funded institutions, facilities, and systems of care in the geographic area certify that the institutions, facilities, and systems of care will take, and fund directly, all reasonable measures to ensure that the institutions, facilities, and systems of care do not discharge individuals into homelessness.

''(c) SUPPLEMENT, NOT SUPPLANT.—Funds appropriated under section 407 and made available for prevention activities described in subsection (a)(9) shall be used to supplement and not supplant other Federal, State, and local public funds used for homelessness prevention.

''(d) USE RESTRICTIONS.—

''(1) ACQUISITION, REHABILITATION, AND NEW CONSTRUCTION.—A project that consists of activities described in paragraph (1) or (2) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for not less than 20 years.

''(2) OTHER ACTIVITIES.—A project that consists of activities described in any of paragraphs (3) through (9) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for the duration of the grant period involved.

''(3) CONVERSION.—If the recipient or project sponsor carrying out a project that provides transitional or permanent housing submits a request to the Secretary to carry out instead a project for the direct benefit of low-income persons, and the Secretary determines that the initial project is no longer needed to provide transitional or permanent housing, the Secretary may approve the project described in the request and authorize the recipient or project sponsor to carry out that project.

''(e) INCENTIVES TO CREATE NEW PERMANENT HOUSING STOCK.—

''(1) IN GENERAL.—In making grants to eligible applicants under section 422, the Secretary shall make awards that provide incentives described in paragraph (2) to promote the creation of new permanent housing units through the construction, or acquisition and rehabilitation, of permanent housing units, that are owned by a recipient, project sponsor, or other independent entity who entered into a contract with a recipient or project sponsor, for—

''(A)(i) homeless individuals with disabilities who experience chronic homelessness; or

''(ii) homeless families that include a homeless individual with a disability who experiences chronic homelessness; and

''(B) nondisabled homeless families.

''(2) ASSISTANCE.—

''(A) INDIVIDUALS WITH DISABILITIES.—An eligible applicant that receives assistance under section 422 to implement a project that involves the construction, or acquisition and rehabilitation, of new permanent housing units described in paragraph (1), for individuals and families described in paragraph (1)(A), shall also receive, as part of the grant, incentives consisting of—

''(i) funds sufficient to provide not more than 10 years of rental assistance, renewable in accordance with section 428;

''(ii) in a case in which the project is the highest priority project described in the application, a bonus of not more than $250,000 per collaborative or solo application submitted by the eligible applicant under this subtitle to carry out activities described in section 423; and

''(iii) the technical assistance needed to ensure the financial viability and programmatic effectiveness of the project.

''(B) NONDISABLED HOMELESS FAMILIES.—An eligible applicant that receives assistance under section 422 to implement a project that involves the construction, or acquisition and rehabilitation, of new permanent housing units described in paragraph (1), for nondisabled homeless families, shall also receive incentives consisting of—

''(i) in a case in which the project is the highest priority project described in the application, a bonus of not more than $250,000 per collaborative or solo application submitted by the eligible applicant under this subtitle to carry out activities described in section 423; and

''(ii) the technical assistance needed to ensure the financial viability and programmatic effectiveness of the project.

''(3) ELIGIBLE APPLICANTS.—To be eligible to receive a grant under this subtitle to carry out activities to create new permanent housing stock for individuals and families described in paragraph (1), an applicant shall be a private nonprofit organization or a public housing authority.

''(4) LOCATION.—To the extent practicable, a Board that receives a grant under this subtitle to create new permanent housing stock shall ensure that the housing is located in a mixed-income environment.

''(f) REPAYMENT OF ASSISTANCE AND PREVENTION OF UNDUE BENEFITS.—

''(1) REPAYMENT.—If a recipient or project sponsor receives assistance under section 422 to carry out a project that consists of activities described in paragraph (1) or (2) of subsection (a) and the project ceases to provide transitional or permanent housing—

''(A) earlier than 10 years after operation of the project begins, the Secretary shall require the recipient or project sponsor to repay 100 percent of the assistance; or

''(B) not earlier than 10 years, but earlier than 20 years, after operation of the project begins, the Secretary shall require the recipient or project sponsor to repay 10 percent of the assistance for each of the years in the 20-year period for which the project fails to provide that housing.

''(2) PREVENTION OF UNDUE BENEFITS.—Except as provided in paragraph (3), if any property is used for a project that receives assistance under subsection (a) and consists of activities described in paragraph (1) or (2) of subsection (a), and the sale or other disposition of the property occurs before the expiration of the 20-year period beginning on the date that operation of the project begins, the recipient or project sponsor who received the assistance shall comply with such terms and conditions as the Secretary may prescribe to prevent the recipient or project sponsor from unduly benefiting from such sale or disposition.

''(3) EXCEPTION.—A recipient or project sponsor shall not be required to make the repayments, and comply with the terms and conditions, required under paragraph (1) or (2) if—

''(A) the sale or disposition of the property used for the project results in the use of the property for the direct benefit of very low-income persons; or

''(B) all of the proceeds of the sale or disposition are used to provide transitional or permanent housing meeting the requirements of this subtitle.'';

(3) in section 426 (42 U.S.C. 11386)—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''Applications'' and all that follows through ''shall'' and inserting ''Applications for assistance under section 422 shall'';

(ii) in paragraph (2)—

(I) by striking subparagraph (B) and inserting the following:

''(B) a description of the size and characteristics of the population that would occupy housing units or receive supportive services assisted under this subtitle;''; and

(II) in subparagraph (E), by striking ''in the case of projects assisted under this title that do not receive assistance under such sections,''; and

(iii) in paragraph (3), in the last sentence, by striking ''recipient'' and inserting ''recipient or project sponsor'';

(B) in subsection (d), in the first sentence, by striking ''recipient'' and inserting ''recipient or project sponsor'';

(C) by striking subsection (e);

(D) by redesignating subsections (f), (g), and (h), as subsections (e), (f), and (g), respectively;

(E) in subsection (f) (as redesignated in subparagraph (D)), in the first sentence, by striking ''recipient'' each place it appears and inserting ''recipient or project sponsor'';

(F) by striking subsection (i); and

(G) by redesignating subsection (j) as subsection (h);

(4)(A) by repealing section 429 (42 U.S.C. 11389); and

(B) by redesignating sections 427 and 428 (42 U.S.C. 11387, 11388) as sections 432 and 433, respectively; and

(5) by inserting after section 426 the following:

''SEC. 427. ALLOCATION AMOUNTS AND INCENTIVES FOR SPECIFIC ELIGIBLE ACTIVITIES.

''(a) PURPOSE.—The Secretary shall promote—

''(1) permanent housing development activities for—

''(A) homeless individuals with disabilities and homeless families that include such an individual; and

''(B) nondisabled homeless families; and

''(2) prevention activities described in section 423(a)(9).

''(b) DEFINITION.—In this section, the term 'nondisabled homeless family' means a homeless family that does not include a homeless individual with a disability.

''(c) ANNUAL PORTION OF APPROPRIATED AMOUNT AVAILABLE.—

''(1) DISABLED HOMELESS INDIVIDUALS AND FAMILIES.—

''(A) IN GENERAL.—From the amount made available to carry out this subtitle for a fiscal year, a portion equal to not less than 30 percent of the sums made available to carry out subtitle B and this subtitle for that fiscal year shall be used for activities to develop new permanent housing, in order to help create affordable permanent housing for homeless individuals with disabilities and homeless families that include such an individual.

''(B) CALCULATION.—In calculating the portion of the amount described in subparagraph (A) that is used for activities described in subparagraph (A), the Secretary shall not count funds made available to renew contracts for existing projects (in existence as of the date of the renewal) under section 428.

''(2) NONDISABLED HOMELESS FAMILIES.—From the amount made available to carry out this subtitle for a fiscal year, a portion equal to not more than 10 percent of the sums described in paragraph (1) may be used for activities to develop new permanent housing for nondisabled homeless families.

''(3) MANAGEMENT INFORMATION SERVICES.—From the amount made available to carry out this subtitle for a fiscal year—

''(A) a portion equal to not more than 3 percent (and not more than $30,000,000), shall be used for management information services described in section 423(a)(7) for each of the first 3 full fiscal years after the date of enactment of the Community Partnership to End Homelessness Act of 2002; and

''(B) a portion equal to not more than 1.5 percent (and not more than $15,000,000) shall be used for such services for each subsequent fiscal year.

''(4) MONITORING AND EVALUATION ACTIVITIES.—From the amount available to carry out this subtitle for a fiscal year, a portion equal to not more than 1.5 percent (and not more than $15,000,000) shall be used for monitoring and evaluation activities described in section 423(a)(8).

''(5) PREVENTION ACTIVITIES.—From the amount made available to carry out this subtitle for a fiscal year, a portion equal to not more than 3 percent of the sums described in paragraph (1) shall be used for prevention activities described in section 423(a)(9).

''(d) FUNDING FOR ACQUISITION, CONSTRUCTION, AND REHABILITATION OF PERMANENT OR TRANSITIONAL HOUSING.—Nothing in this Act shall be construed to establish a limit on the amount of funding that an applicant may request under this subtitle for acquisition, construction, or rehabilitation activities for the development of permanent housing or transitional housing.

''SEC. 428. RENEWAL FUNDING AND TERMS OF ASSISTANCE FOR GRANT AMOUNTS FOR PERMANENT HOUSING FOR HOMELESS INDIVIDUALS WITH DISABILITIES.

''(a) IN GENERAL.—Of the total amount available for use in connection with expiring or terminating section 8 subsidy contracts awarded under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), such sums as may be necessary shall be transferred and merged into the Homeless Assistance Grants account of the Department of Housing and Urban Development.

''(b) RENEWALS.—Such sums shall be available for the renewal of contracts for a 1-year term for rental assistance and housing operation costs associated with permanent housing projects funded under this subtitle, or under subtitle C or F (as in effect on the day before the date of enactment of the Community Partnership to End Homelessness Act of 2002), for homeless individuals with disabilities and homeless families that include such an individual. The Secretary shall determine whether to renew a contract for such a permanent housing project on the basis of demonstrated need for the project and the compliance of the entity carrying out the project with appropriate standards of housing quality and habitability as determined by the Secretary.

''SEC. 429. ADMINISTRATIVE EXPENSES.

''(a) ADMINISTRATIVE EXPENSES.—Grant amounts awarded under this subtitle may be

used for administrative expenses, including expenses for—

''(1) carrying out routine grant administration and monitoring activities;

''(2) receipt and disbursal of program funds;

''(3) preparation of financial and performance reports, including carrying out management information system functions; and

''(4) compliance with grant conditions and audit requirements.

''(b) LIMITATIONS ON ADMINISTRATIVE EXPENSES.—A portion, of not more than 6 percent, of grant amounts awarded under this subtitle may be used for administrative expenses described in subsection (a), and not less than ½ of such portion shall be allocated to nonprofit organizations and other project sponsors to fund management information system functions, application preparation, and preparation of annual performance and other evaluation reports.

''SEC. 430. MATCHING FUNDING.

''(a) IN GENERAL.—An entity who submits an application and receives a grant under this subtitle shall make available contributions, in cash, in an amount equal to not less than 25 percent of the Federal funds provided under the grant, except as provided in subsection (b).

''(b) CREATION OF PERMANENT HOUSING STOCK.—The Secretary shall not establish a matching funds requirement relating to activities carried out under this subtitle that involve the construction, or acquisition and rehabilitation, of a new permanent housing unit if—

''(1) the total cost of the construction, or acquisition and rehabilitation, is not more than $500,000;

''(2) the unit is owned by a recipient, project sponsor, or other independent entity who entered into a contract with a recipient or project sponsor; and

''(3) the unit is for individuals and families described in section 423(e).

''SEC. 431. APPEAL PROCEDURE.

''(a) IN GENERAL.—With respect to funding under this subtitle, if certification of consistency with the Consolidated Plan pursuant to section 403 is withheld from an applicant who has submitted an application for that certification, such applicant may appeal such decision to the Secretary.

''(b) PROCEDURE.—The Secretary shall establish a procedure to process the appeals described in subsection (a).

''(c) DETERMINATION.—Not later than 45 days after the date of receipt of an appeal described in subsection (a), the Secretary shall determine if certification was unreasonably withheld. If such certification was unreasonably withheld, the Secretary shall review such application and determine if such applicant shall receive funding under this subtitle.''.

SEC. 7. REPEALS AND CONFORMING AMENDMENTS.

(a) REPEALS.—Subtitles D, E, F, and G of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11391 et seq., 11401 et seq., 11403 et seq., and 11408 et seq.) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) INTERAGENCY COUNCIL ON HOMELESSNESS.—Section 2066(b)(3)(F) of title 38, United States Code, section 506(a) of the Public Health Service Act (42 U.S.C. 290aa–5(a)), and sections 201 and 207(1), and subsections (c)(2) and (d)(3) of section 501, of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311, 11317(1), and 11411) are amended by striking ''Interagency Council on the Homeless'' and inserting ''Interagency Council on Homelessness''.

(2) CONSOLIDATED PLAN.—Section 403(1) of the McKinney-Vento Homeless Assistance Act, as redesignated in section 4(2), is amended—

(A) by striking ''current housing affordability strategy'' and inserting ''Consolidated Plan''; and

(B) by inserting before the comma the following: ''(referred to in that section as a 'comprehensive housing affordability strategy')''.

(3) PERSONS EXPERIENCING HOMELESSNESS.—Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) is amended by adding at the end the following:

''(d) PERSONS EXPERIENCING HOMELESSNESS.—References in this Act to homeless individuals (including homeless persons) or homeless groups (including the homeless) shall be considered to include, and to refer to, individuals experiencing homelessness or groups experiencing homelessness, respectively.''.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 275—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD RENEW ITS COMMITMENT TO THE WORLD'S MOTHERS AND CHILDREN BY INCREASING FUNDING FOR BASIC CHILD SURVIVAL AND MATERNAL HEALTH PROGRAMS OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, AND FOR OTHER PURPOSES

Mr. SMITH of Oregon (for himself, Mrs. FEINSTEIN, Mrs. MURRAY, Ms. LANDRIEU, Mr. DURBIN, and Mr. CORZINE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 275

Whereas 10 years ago at the World Summit for Children, the United States joined with 159 other governments to commit the world to supporting efforts that reduce infant and maternal mortality, child malnutrition, and illiteracy;

Whereas more than 11,000,000 children die before the age of 5 (30,500 children every day) due to preventable infectious diseases, including pneumonia, diarrhea, measles, malaria, and malnutrition;

Whereas more than a quarter of the world's children are malnourished, which hinders their ability to learn and thrive;

Whereas over 500,000 women who die every year during pregnancy and childbirth could be saved by low-tech, low-cost interventions;

Whereas research has found that the health of a child and his or her mother is closely intertwined and good maternal health is essential for the survival of both mothers and children;

Whereas studies have shown that high maternal and child mortality are directly correlated with social and political instability;

Whereas the number of women of reproductive age in less developed countries will grow by 34 percent in the next 20 years, making the need to improve health care services for women and their children even more important;

Whereas past evidence has shown that programs to improve child survival do work, for instance, in the past 8 years, the United States Agency for International Development child survival programs have significantly contributed to a 10 percent reduction in infant mortality rates worldwide;

Whereas while research has shown that maternal deaths during pregnancy and childbirth could be easily prevented, the number of women who die as mothers has not decreased in 10 years due to the lack of additional resources to address the problem;

Whereas the world has been able to reduce maternal mortality in the developed world, the disparity between developed and developing countries continues to grow;

Whereas, according to the World Health Organization, the lifetime risk of dying from pregnancy-related complications or during childbirth in developing countries is 1 in 48, in developed countries the ratio is 1 in 1,800, and the risk is even greater in some sub-Saharan African countries where 1 in every 14 girls entering adolescence will die from maternal causes before completing her childbearing years; and

Whereas according to a World Health Organization report, between $27,000,000,000 and $38,000,000,000 will be needed in 2007 and 2015, respectively, to provide the necessary health interventions to those living in low-income countries: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) child survival and maternal health programs supported by the United States Agency for International Development have and will make a difference in the lives of mothers and children in the developing world;

(2) an increased commitment to improving the health of the world's mothers and children will have a long-term impact on the political, economic, and social stability of developing countries;

(3) the United States should take a lead in improving the lives of millions of people in the developing world through targeted, effective, and multi-faceted health and development programs; and

(4) the United States should renew its commitment to the world's mothers and children by increasing funding for basic child survival and maternal health programs of the United States Agency for International Development by at least $500,000,000.

Mr. SMITH of Oregon. Mr. President, I rise today to submit a resolution regarding the Senate's commitment to improving the health of mothers and children around the world. I am proud to be joined by Senators FEINSTEIN, MURRAY, LANDRIEU, CORZINE, and DURBIN in introducing this important legislation and we hope, by introducing this resolution, we will illustrate an increased commitment to improving the health of the world's mothers and children and show that this commitment will have a long-term impact on the political, economic, and social stability of developing countries.

Earlier this month, representatives from over 179 countries met at the United Nations Special Session on Children. During this meeting, they reviewed the progress made since the 1990 World Summit for Children and renewed their pledge to improve the lives of the world's children over the next decade.

The Bush Administration knows that investing in better health increased a country's ability to prosper. President Bush proposed increased funding for global HIV/AIDS programs at USAID. And I applaud these efforts and am pleased to support them in the Senate. But I am hoping that this resolution will also break ground for an increase for maternal and child health programs. Difficult choices must be made,

understandably, but funds should not be shifted from one essential health program to another. We must find new funding overall for health programs, especially maternal health.

Every year, over 500,000 women die during pregnancy and childbirth. These lives can be saved by low-tech, low-cost interventions. The health of a child and her mother are closely intertwined, and good maternal health is essential for the survival of both mother and child. In developing countries, a mother's death in childbirth due to malnutrition, or inadequate prenatal and delivery care, means almost certain death for her newly born child.

I also know that we must invest in programs that improve the health of young children. Every year, nearly 11 million die needlessly before their fifth birthday, almost all from diseases easily prevented or readily treated. Pennies worth of antibiotics could save three million children who will die this year of pneumonia alone.

This resolution calls for increased funding for basic child survival and maternal health programs of at least $500 million dollars. This figure is just a small investment when the dividends would be political stability, international security, and a renewed hope for the future of mothers and children around the world. I call on all my colleagues to join me in supporting this important resolution.

Mrs. FEINSTEIN. Mr. President, I rise today with Senators GORDON SMITH, DURBIN, MURRAY, LANDRIEU, and CORZINE to submit a resolution voicing the Senate's commitment to improving the health of mothers and children around the world.

This resolution illustrates that an increased commitment to improving the health of the world's mothers and children will have a long-term impact on the political, economic, and social stability of developing countries. The stability of our own nation depends significantly on the economic and political stability of developing nations. And their economic and political stability cannot be realized unless the health of their people is improved.

The resolution we are introducing today calls for increased funding for basic child survival and maternal health programs of at least $500 million dollars. This figure is a small investment when the dividends could be political stability, international security, and a renewed hope for the future of mothers and children around the world.

A few weeks ago, representatives from over 179 countries met at the United Nations Special Session on Children. During this meeting, they reviewed the progress made since the 1990 World Summit for Children and renewed their pledge to improve the lives of the world's children over the next decade. Overall, the funding for global health, which includes HIV/AIDS programs, has increased significantly. Child survival and maternal health programs was funded at $345 million in fiscal year 2001. Funding was cut by $26 million in fiscal year 2002. The Bush administration also acknowledges that investing in health care increases a country's ability to prosper.

President Bush made a wise decision when he proposed increased funding for global HIV/AIDS programs at USAID for fiscal year 2003. However, his budget also recommends a $25 million decrease in support for maternal and child health programs. The funding situation is getting worse rather than better for child survival and maternal health programs. Difficult choices must be made, understandably, but funds should not be shifted from one essential health program to pay for another. Especially when funding for maternal and child health programs have been decreased in previous years.

At this precarious time in our world, we cannot lose sight of the health of women, the primary caregivers who instill values and provide hope for their children; the future of every society. Women in developing countries put their lives at risk when they become pregnant, over 500,000 women die every year during pregnancy and childbirth. The health of a child and his or her mother are closely intertwined, and good maternal health is essential for the survival of both mother and child. In developing countries, a mother's death in childbirth due to malnutrition, or inadequate prenatal and delivery care, means almost certain death for her newly born child. We must also invest substantially more in programs that improve the health of young children.

Every day around the world, over 30,000 children die preventable deaths from diseases such as pneumonia, diarrhea, malaria, measles, and malnutrition.

Additionally, every year, nearly 11 million children die needlessly before their fifth birthday—almost all from diseases easily prevented or readily treated. Pennies worth of antibiotics, for example, could save three million children who will die this year of pneumonia. The true tragedy is that we know how to prevent these 11.5 million deaths that occur each year. Low-tech, low-cost interventions exist, and with additional resources to fund these interventions, could save lives. Children must be nourished so that they can thrive and disparities between developed and developing countries can be reduced.

As studies continue to show that high maternal and child mortality are directly correlated with social and political instability, we must take action to ensure the growth and development of the countries who need it most and their people who are dying needlessly.

The World Health Organization has reported that $27 billion will be needed in 2007 to provide necessary health interventions to those living in low-income countries. I believe we must do all we can to provide funds to improve the health of the world's mothers and children. The resolution being introduced proposes an increase in funding by at least $500 million for child survival and maternal health programs. We need to renew our commitment to mothers and children all over the world. The programs supported by USAID have and will make a difference in the lives of mothers and children in the developing world.

I strongly believe that an increase in funding is necessary and will have a positive long-term impact on the political, economic, and social stability of those countries.

I urge my colleagues to join me in supporting this resolution.

SENATE RESOLUTION 276—DESIGNATING THE PERIOD BEGINNING ON JUNE 10 AND ENDING ON JUNE 14, 2002, AS ''NATIONAL WORK SAFE WEEK''

Mr. BOND submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 276

Whereas Congress believes that 100 percent of workplace injuries are preventable when employers and employees work together;

Whereas both employer and employee attitudes and awareness are essential to maintain an injury-free workplace;

Whereas the total nationwide workplace accident costs in 1998 were $122,600,000,000, with a national average of $28,000 per disabling injury and $940,000 per work-related death;

Whereas workplace injuries also carry indirect or hidden costs that cannot be calculated, such as property damage, lost production, and modified duty; and

Whereas the period beginning on June 10 and ending on June 14, 2002, will be declared Work Safe Week in the State of Missouri: Now, therefore, be it

Resolved, That the Senate—

(1) designates the period beginning on June 10 and ending on June 14, 2002, as ''National Work Safe Week'' to be recognized by—

(A) employers and employees committing themselves to creating an injury-free workplace;

(B) employers and employees taking all necessary steps to achieve this goal; and

(C) employers and employees developing the habits and approaches that will lead to injury-free workplaces throughout the entire year; and

(2) requests the President to issue a proclamation calling on the people of the United States to observe the week with appropriate activities.

Mr. BOND. Mr. President, I rise today to submit a resolution proclaiming the week of June 10 to June 14, 2002 as National Work Safe Week. There is no more important goal than having every employee go home safely at the end of their work day.

In my home State of Missouri, a program has been developed that helps employers work together with their employees to make sure everyone is focused on working safely. Once a year we set aside a week in June to recognize and promote this concept. This

year the week of June 10–14 is designated in Missouri as Work Safe Week.

The goal of an injury free work place definitely is achievable. Too many times we assume that accidents are an inevitable part of the job. This just is not true. Accidents are preventable, largely through constant vigilance and common sense, as well as compliance with relevant safety standards.

Missouri is especially attached to the goal of workplace safety since one of its native sons is currently the Assistant Secretary of Labor for the Occupational Safety and Health Administration. John Hewnshaw built his career on implementing safety plans for such companies as Monsanto and Solutia. These plans were widely praised by safety professionals and have resulted in thousands of employees avoiding injuries and illnesses. I know that John is using the same reasonable style and practical approach in addressing the Nation's safety issues that he used in developing the safety plans for his private sector employers.

These same common sense principles are at the heart of the Work Safe Week program in Missouri. The WorkSAFE program was started by Missouri Employers Mutual Insurance in 1997 to teach employers and employees how to Work Smart in an Accident-Free Environment.

The WorkSAFE program is based on the premise that 20 percent of all workplace injuries are the result of unsafe working conditions, while the remaining 80 percent are caused by unsafe acts. The program is based on the belief that 100 percent of injuries are preventable when employers and employees work together. The program focuses on employer and employee attitudes and awareness in an effort to maintain an injury-free workplace.

Prior employer and employee working attitudes can significantly correlate into costly workplace injuries which. For instance: Total 1998 accident costs nationwide: $122.6 billion; and national average: $28,000 per disabling injury/$940,000 per work-related death.

As tremendous as the direct costs are, there are costs you can not calculate. There are indirect or hidden costs such as property damage, lost production an modified duty. Parents who will not ever come home, bodies that are permanently damaged, and the trauma of witnessing an injury or fatality—these are emotional costs that the numbers do not reflect.

By the end of Work Safe Week, I hope that employers and employees will have the kind of attitude that will keep employees safe and health while on the job the whole year through.

SENATE RESOLUTION 227—EXPRESSING THE SENSE OF THE SENATE REGARDING THE POLICY OF THE UNITED STATES AT THE 19TH ANNUAL MEETING OF THE NORTH ATLANTIC SALMON CONSERVATION ORGANIZATION

Ms. SNOWE submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation.

S. RES. 277

Whereas wild Atlantic salmon of both European stocks and those originating in North American rivers have experienced a sharp decline in numbers in recent years;

Whereas the return of these wild Atlantic salmon to the rivers of United States and Canada to spawn is necessary to continue the species' survival;

Whereas the United States is deeply concerned about the status of the last remaining stocks of wild Atlantic salmon returning to United States rivers and is committed to their protection and recovery;

Whereas this situation is so serious that the United States has closed all its Atlantic salmon fisheries and taken the critical step of listing populations of Atlantic salmon as endangered under the United States Endangered Species Act;

Whereas salmon originating in the State of Maine and in other New England salmon rivers migrate to the waters west of Greenland to feed where they can be subject to commercial harvest;

Whereas Atlantic salmon migrate throughout the Northern Atlantic and international cooperation is required to successfully conserve and protect these stocks;

Whereas scientific research and sampling programs to determine the origin of harvested Atlantic salmon are critical and necessary to better understanding and protecting the stocks;

Whereas in 1982 seven nations of the world adopted the Convention for the Conservation of Salmon in the North Atlantic which created the North Atlantic Salmon Conservation Organization to promote conservation, restoration, enhancement, and rational management of salmon stocks in the North Atlantic through international cooperation;

Whereas the United States cannot solve the difficulties facing United States origin salmon alone and the assistance of all Convention member nations is needed: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) at the 19th Annual Meeting of the North Atlantic Salmon Conservation Organization the United States should—

(A) advocate the use of science in making Atlantic salmon resource decisions and ensure that any quota setting formula provides adequate protection to those stocks originating in the United States, Canada, and southern Europe that are now at considerable risk of extinction;

(B) remain firmly opposed to commercial intercept fishing which takes wild Atlantic Salmon of North American origin;

(C) support opportunities to create long-term conservation agreements with other Convention member nations;

(D) support adoption of a long-term rebuilding goal and develop a plan for the recovery of North American salmon;

(E) advocate the use of sampling programs by all nations to determine the origin of harvested salmon; and

(2) the United States should make full use of all appropriate diplomatic mechanisms, relevant international laws and agreements, and other appropriate mechanisms to implement the goals set forth in subparagraph (A) through (E) of paragraph (1).

Ms. SNOWE. Mr. President, I rise today to submit a resolution expressing the sense of the Senate regarding the policy of the United States at the 19th Annual Meeting of the North Atlantic Salmon Conservation Organization, NASCO.

I am introducing this resolution today as our delegates prepare for the upcoming NASCO meeting in Torshvn, Faroe Islands which begins on June 3, 2002. At this meeting NASCO will set the annual allocation of commercial Atlantic salmon quotas and debate numerous issues related to protecting Atlantic salmon. NASCO is the international body which manages Atlantic salmon stocks and sets the annual allocation of commercial Atlantic salmon quotas. As such, the effective management of Atlantic salmon requires the cooperation of the member nations in this voluntary regime. Unfortunately, several member nations routinely take actions that undermine these efforts.

Salmon originating in the rivers of Maine and the other New England states migrate to feed in the waters west of Greenland where they are subject to harvest in the West Greenland salmon fishery. Scientific analysis indicates that 66 percent of the fish caught in West Greenland's fishery comes from North American stocks. A significant amount of these fish are believed to be of U.S. origin. These harvested fish directly affect the rebuilding programs in Maine and the rest of New England.

Protecting the stocks of Atlantic salmon is an ongoing issue which has state, national, and international components. The situation is so serious in the United States that we have closed all U.S. Atlantic salmon fisheries and have taken the critical step of listing populations of Atlantic salmon as endangered under the U S. Endangered Species Act. At the state and national level, Maine and the other New England states have taken significant steps at great cost to protect the spawning habitats of Atlantic salmon, but these efforts alone will not protect the Atlantic salmon. The biggest threat to the success of the salmon recovery plans is not having fish available to return to these improved habitats. The U.S. should continue to support a zero commercial mortality limit until these stocks can be rebuilt. This is a necessary step toward rebuilding the salmon population in our rivers.

This resolution expresses the Senate's belief that the United States remain firmly opposed to commercial intercept fishing which takes wild Atlantic salmon, advocate the use of science in making international Atlantic salmon resource decisions, support adoption of a long-term rebuilding goal, develop a plan for the recovery of North American salmon, and advocate the use of sampling programs by all nations to determine the origin of harvested salmon.

As Ranking Member of the Subcommittee on Oceans, Atmosphere, and Fisheries, I am dedicated to protecting Atlantic salmon. This resolution is a critical step in ensuring that the international management plan approved by NASCO will compliment the efforts that we have made at the state and national level to protect critical Atlantic salmon habitats. I urge my colleagues to join me and support this resolution.

SENATE RESOLUTION 278—CALLING UPON ALL AMERICANS TO RECOGNIZE ON THIS MEMORIAL DAY, 2002, THE SACRIFICE AND DEDICATION OF OUR ARMED FORCES AND CIVILIAN NATIONAL SECURITY AGENCIES

Mr. LOTT (for himself, Mr. HELMS, Mr. WARNER, Mr. NICKLES, Mr. ALLARD, Mr. ALLEN, Mr. BENNETT, Mr. BOND, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, MR. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DOMENICI, Mr. ENSIGN, Mr. ENZI, Mr. FITZGERALD, Mr. FRIST, Mr. GRAMM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HATCH, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. KYL, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. ROBERTS, Mr. SANTORUM, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, and Mr. VOINOVICH) submitted the following resolution; which was considered and agreed to:

S. RES. 278

Calling upon all Americans to recognize on this Memorial Day, 2002, the sacrifice and dedication of our Armed Forces and civilian national security agencies.

Whereas, in Afghanistan and elsewhere, members of our Armed Forces and civilian national security agencies are today fighting and dying to keep Americans safe and free from terrorist attacks;

Whereas, the American defenders of democracy who have given their lives in Afghanistan and elsewhere, joined in eternal life those who were murdered by terrorists in New York, Pennsylvania, and Virginia on September 11, 2001, on the USS COLE, at the Khobar Towers, at the American Embassies in Nairobi and Dar es Salaam, and in other terrorist attacks;

Whereas it is fitting and essential on this Memorial Day, 2002, to remember the sacrifices made by these defenders who now lie in hallowed ground throughout the world;

Whereas, living under the threat of further terrorist attacks on this day, Americans everywhere are called upon to realize that the members of our Armed Forces and civilian national security agencies live with this threat every day that they serve and answer the call to duty;

Whereas, like all important conflicts, the war against terrorism is prosecuted daily in small engagements by courageous volunteers, far from home, against a deadly and elusive enemy;

Whereas the members of our Armed Forces and civilian national security agencies have displayed capability, determination, and valor that has shocked and surprised America's terrorist enemies; and

Whereas the continuing success of our forces has resulted in the steady, inexorable eradication of terrorists whose inveterate hostility to our liberty and way of life continues unabated: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Americans everywhere should, on Memorial Day, 2002, observe a National Moment of Remembrance at 3 p.m. local time and raise a hand in salute to those members of our Armed Forces and civilian national security agencies, near and far, who have answered the call of duty and willingly placed themselves in harm's way on our behalf; and

(2) this should be done as an expression of the respect, pride, and admiration felt by every American and by every person liberated through the courageous sacrifice and valiant toil of the forces of the United States and its allies in this noble struggle.

SENATE RESOLUTION 279—TO MODIFY THE FUNDING OF THE JACOB K. JAVITS SENATE FELLOWSHIP PROGRAM

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolution; which was considered and agreed to:

S. RES. 279

Resolved,

SECTION 1. MODIFICATION TO FUNDING OF JACOB K. JAVITS SENATE FELLOWSHIP PROGRAM.

Section 5 of the Jacob K. Javits Senate Fellowship Program Resolution (Senate Resolution 193, 106th Congress, agreed to September 30, 1999), is amended by striking ''$250,000'' and inserting ''$350,000''.

SENATE CONCURRENT RESOLUTION 117—TO CORRECT TECHNICAL ERRORS IN THE ENROLLMENT OF THE BILL H.R. 3448

Mr. KENNEDY submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 117

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R.3448) to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies, the Clerk of the House shall make the following corrections, stated in terms of the page and line numbers of the official copy of the conference report for such bill that was filed with the House:

(1) On page 1, after line 6, insert before the item relating to title I, the following:

Sec. 1. Short title; table of contents.

(2) On page 40, line 3, insert before the semicolon the following: ''(including private response contractors)''.

(3) On page 75, line 18, strike ''subsection (c)(1)'' and insert ''subsection (c)''.

(4) On page 75, line 25, strike ''paragraph (3)(B)'' and insert ''paragraph (3)(C)''.

(5) On page 87, strike lines 11 and 12 (relating to a redundant section designation and section heading for section 143).

(6) On page 264, line 11, insert before the period the following: ''and with respect to assessing and collecting any fee required by such Act for a fiscal year prior to fiscal year 2003''.

SENATE CONCURRENT RESOLUTION 118—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. DASCHLE submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 118

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on any day from Thursday, May 23, 2002, through Saturday, May 25, 2002, or from Tuesday, May 28, 2002, through Friday, May 31, 2002, on a motion offered pursuant to this concurrent resolution by its majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, June 3, 2002, or Tuesday, June 4, 2002, or until such other time on either of those days as may be specified in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, May 23, 2002, through Saturday, May 25, 2002, or on any legislative day from Tuesday, May 28, 2002, through Friday, May 31, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, June 4, 2002, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3547. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table.

SA 3548. Mr. BYRD proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

TEXT OF AMENDMENTS

SA 3547. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 244, between lines 15 and 16, insert the following:

(C) OBJECTIVE REGARDING NICARAGUA.—It is the objective of the United States to seek mechanisms that will Nicaragua, a close Central American friend and ally of the United States, to send at least 6,000 metric tons of peanuts into the United

States, at in-quota tariff rates, on an annual basis. An increase in Nicaraguan peanut exports to the United States will help strengthen and stabilize the Nicaraguan economy and democracy, as well as help protect the nearly 40,000 rural workers and their families in Nicaragua that have come to depend upon peanut farming for their livelihoods.

SA 3548. Mr. BYRD proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

At the end, add the following:

''Notwithstanding any other provision of this Act, no direct appropriation may be made under this act.''

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to conduct a hearing during the session of the Senate on Thursday, May 23, 2002. The purpose of this hearing will be to discuss disaster assistance.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, May 23, 2002, at 9:30 a.m., in SH–216. The purpose of the hearing is to receive testimony on S.J. Res. 34, the President's recommendation of the Yucca Mountain site for development of a repository, and the objections of the Governor of Nevada to the President's recommendation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 23, 2002, at 2:15, to hold a business meeting.

Agenda

The Committee will consider and vote on the following agenda items:

Treaties

1. Treaty Doc. 106–37. Two optional protocols to the Convention on the Rights of the Child, both of which were adopted at New York, May 25, 2000: (1) the Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflict; and (2) The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, signed on July 5, 2000.

Legislation

2. S. 2487. A bill to provide for global pathogen surveillance and response.

3. S. Res. 182. A resolution expressing the sense of the Senate that the United States should allocate significantly more resources to combat global poverty, with amendments.

4. S. Res. 252. A resolution expressing the sense of the Senate regarding human rights violations in Tibet, the Panchen Lama, and the need for dialogue between the Chinese leadership and the Dalai Lama or his representatives, with an amendment in the nature of a substitute.

5. S. Res. 263. A resolution congratulating the Republic of Croatia on the 10th anniversary of its recognition by the United States.

6. S. Con. Res. 109. A concurrent resolution commemorating the independence of East Timor and expressing the sense of Congress that the President should establish diplomatic relations with East Timor, and for other purposes, with amendments.

Nominations

7. Mr. David A. Gross, of Maryland, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for International Communications and Information Policy in the Bureau of Economic and Business Affairs and U.S. Coordinator for International Communications and Information Policy.

8. Dr. Jack C. Chow, of Pennsylvania, for the rank of Ambassador during his tenure of service as Special Representative of the Secretary of State for HIV/AIDS.

Additional nominees may be announced.

Foreign Service Officer Promotion List

9. Mr. Gary V. Kinney, et. al., dated March 20, 2002.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, May 23, 2002, at 2:30 p.m., to hold a hearing entitled ''Voting Representation in Congress for Citizens of the District of Columbia.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on ''America's Schools: Providing Equal Opportunity or Still Separate and Unequal?'' during the session of the Senate on Thursday, May 23, 2002, at 9:30 a.m., in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 23, 2002, at 9:30 a.m., in SD–226.

Agenda

I. Nominations

D. Brooks Smith to be a U.S. Circuit Court Judge for the 3rd Circuit.

To be U.S. Marshal: David Williams Thomas for the District of Delaware; Thomas M. Fitzgerald for the Western District of Pennsylvania; and G. Wayne Pike for the Eastern District of Virginia.

II. Bills

S. 1868, National Child Protection Improvement Act [Biden/Thurmond].

S. 1956, The Safe Explosives Act [Kohl/Hatch/Schumer/Cantwell].

S. 1989, The National Cyber Security Defense Team Authorization Act [Schumer/Edwards].

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President. I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Judicial Nominations'' on Thursday, May 23, 2002, in Dirksen Room 26 at 2 p.m.

Witness List

Panel I: The Honorable John Warner; the Honorable Arlen Specter; the Honorable Kit Bond; the Honorable Rick Santorum; the Honorable Richard Durbin; the Honorable Tim Hutchinson; the Honorable Blanche Lincoln; the Honorable Peter Fitzgerald; the Honorable George Allen; the Honorable Jean Carnahan; the Honorable James Moran; the Honorable Robert Scott; the Honorable Robert Brady; and the Honorable William Lacy Clay.

Panel II: Lavenski R. Smith to the U.S. Court of Appeals for the Eighth Circuit.

Panel III: Henry E. Autrey to be U.S. District Court Judge for the Eastern District of Missouri; Richard E. Dorr to be U.S. District Court Judge for the Western District of Missouri; Henry E. Hudson to be U.S. District Court Judge for the Eastern District of Virginia; Amy J. St. Eve to be U.S. District Court Judge for the Northern District of Illinois; and Timothy J. Savage to be U.S. District Court Judge for the Eastern District of Pennsylvania.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Thursday, May 23, 2002, from 9:30 a.m.–12 p.m., in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Financial Institutions of the Committee on Banking, Housing, and

Urban Affairs be authorized to meet during the session of the Senate on Thursday, May 23, 2002, at 10 a.m., to conduct an oversight hearing on ''Bank and Financial Holding Company Engagement in Real Estate Brokerage and Property Management.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that David Bowen and David Dorsey be granted floor privileges during the consideration of the bioterrorism bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Deborah Wolf, a fellow in Senator REED's office, be granted floor privileges during the consideration of H.R. 3448, the Bioterrorism Preparedness Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 281

Mr. REID. Mr. President, I ask unanimous consent that the Energy and Natural Resources Committee be discharged from further consideration of S. 281, and the Senate then proceed to its consideration; that the Bingaman-Hagel amendment be considered and agreed to, the bill, as amended, be read the third time and passed, and the motion to reconsider be laid upon the table, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, there is an objection on the Republican side. Therefore, I object on their behalf. I want to state for the RECORD that the Democrats were ready to proceed with this measure and clear it for consideration by the House.

The PRESIDING OFFICER. Objection is heard.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consideration of the adjournment resolution; that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, without any intervening action or debate.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 118) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the concurrent resolution.

The concurrent resolution (S. Con. Res. 118) was agreed to, as follows:

S. CON. RES. 118

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on any day from Thursday, May 23, 2002, through Saturday, May 25, 2002, or from Tuesday, May 28, 2002, through Friday, May 31, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, June 3, 2002, or Tuesday, June 4, 2002, or until such other time on either of those days as may be specified in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, May 23, 2002, through Saturday, May 25, 2002, or on any legislative day from Tuesday, May 28, 2002, through Friday, May 31, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, June 4, 2002, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the Senator from Ohio, Mr. VOINOVICH, as a member of the Senate Delegation to the NATO Parliamentary Assembly during the Second Session of the 107th Congress, to be held in Sofia, Bulgaria, May 24–28, 2002.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Executive session to consider the following Calendar Nos. 833 through 836, and the military nominations placed on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, any statements thereon appear in the RECORD as though given, and the Senate return to legislative session, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Thomas S. Bailey, Jr., 0000

NAVY

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203;

To be rear admiral (lower half)

Capt. Thomas L. Andrews, III, 0000

ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Michael A. Dunn, 0000
Col. Eric B. Schoomaker, 0000

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brigadier General Alan D. Bell, 0000
Brigadier General James A. Cheatham, 0000
Brigadier General Charles E. Gorton, 0000
Brigadier General Robert L. Heine, 0000
Brigadier General Lawrence J. Johnson, 0000
Brigadier General David E. Kratzer, 0000
Brigadier General Dennis J. Laich, 0000
Brigadier General Collis N. Phillips, 0000

To be brigadier general

Colonel Steven R. Abt, 0000
Colonel Rita M. Broadway, 0000
Colonel Michael J. Diamond, 0000
Colonel James P. Eggleton, 0000
Colonel Rosemary R. Loper, 0000
Colonel John Y. H. Ma, 0000
Colonel Matthew C. Matia, 0000
Colonel Michael W. Means, 0000
Colonel James E. Payne, III, 0000
Colonel Robert A. Pollmann, 0000
Colonel James W. Rafferty, 0000
Colonel James F. Reynolds, 0000

NOMINATIONS PLACED ON THE SECRETARY'S DESK

AIR FORCE

PN1715 Air Force nomination of Donald W. Pitts, which was received by the Senate and appeared in the Congressional Record of May 2, 2002.

ARMY

PN1280 Army nominations (30) beginning Garry F. Atkins, and ending Daryl L. Spencer, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2001.

PN1530 Army nominations (13) beginning Michael T. Bradfield, and ending Richard R. Young, which nominations were received by the Senate and appeared in the Congressional Record of March 13, 2002.

PN1704 Army nominations (2) beginning Shain Bobbitt, and ending Barbara Lockbaum, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2002.

PN1735 Army nomination of Christian E. DeGraff, which was received by the Senate and appeared in the Congressional Record of May 8, 2002.

PN1736 Army nomination of Ches H. Garner, which was received by the Senate and appeared in the Congressional Record of May 8, 2002.

PN1737 Army nomination of David S. Oeschger, which was received by the Senate and appeared in the Congressional Record of May 8, 2002.

PN1752 Army nominations (7) beginning Mark C. Dugger, and ending James E. Mountain, Jr., which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2002.

FOREIGN SERVICE

PN1543 Foreign Service nominations (5) beginning Stephan Wasylko, and ending

Charles Kestenbaum, which nominations were received by the Senate and appeared in the Congressional Record of March 20, 2002.

PN1544 Foreign Service nominations (7) beginning Suzanne K. Hale, and ending Maurice W. House, which nominations were received by the Senate and appeared in the Congressional Record of March 20, 2002.

PN1545 Foreign Service nominations (152) beginning Gary V. Kinney, and ending James E. Stephenson, which nominations were received by the Senate and appeared in the Congressional Record of March 20, 2002.

MARINE CORPS

PN1705 Marine Corps nomination of Michael J. Colburn, which was received by the Senate and appeared in the Congressional Record of April 29, 2002.

PN1706 Marine Corps nomination of William P. McClane, which was received by the Senate and appeared in the Congressional Record of April 29, 2002.

PN1707 Marine Corps nominations (51) beginning Neil G. Anderson, and ending Wesley L. Woolf, Jr, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2002.

PN1708 Marine Corps nominations (154) beginning John F. Ahern, and ending Larry E. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of April 29, 2002.

PN1716 Marine Corps nomination of Wade V. Deliberto, which was received by the Senate and appeared in the Congressional Record of May 2, 2002.

PN1738 Marine Corps nominations (2) beginning John J. Jackson, and ending Richard L. West, which nominations were received by the Senate and appeared in the Congressional Record of May 8, 2002.

PN1739 Marine Corps nomination of Mark D. Tobin, which was received by the Senate and appeared in the Congressional Record of May 8, 2002.

PN1741 Marine Corps nomination of Robert T. Maxey, which was received by the Senate and appeared in the Congressional Record of May 8, 2002.

PN1742 Marine Corps nomination of Charles G. Grow, which was received by the Senate and appeared in the Congressional Record of May 8, 2002.

PN1753 Marine Corps nominations (4) beginning David L. Comfort, and ending Patrick K. Wyman, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2002.

PN1754 Marine Corps nominations (4) beginning Joseph R. Boehm, and ending Gabriel J. Torres, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2002.

PN1755 Marine Corps nominations (4) beginning Michael P. Danhires, and ending Charles E. Parham, Jr., which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2002.

PN1756 Marine Corps nominations (4) beginning Anthony M. Brooker, and ending Jesse McRae, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2002.

PN1757 Marine Corps nominations (2) beginning Stefan Grabas, and ending Charles L. Thrift, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2002.

PN1758 Marine Corps nominations (2) beginning Alonzo H. Mays, and ending John D. Paulin, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2002.

PN1759 Marine Corps nominations (2) beginning Jody D. Paulson, and ending Ellen P. Tippett, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2002.

PN1760 Marine Corps nominations (2) beginning Deborah A. Pereira, and ending Joyce V. Woods, which nominations were received by the Senate and appeared in the Congressional Record of May 13, 2002.

NAVY

PN1709 Navy nomination of James. E. Russell, which was received by the Senate and appeared in the Congressional Record of April 29, 2002.

PN1710 Navy nomination of Lydia R. Robertson, which was received by the Senate and appeared in the Congressional Record of April 29, 2002.

PN1717 Navy nomination of Marc J. Glorioso, which was received by the Senate and appeared in the Congressional Record of May 2, 2002.

PN1718 Navy nominations (13) beginning Jack S. Pierce, and ending Thomas B. Webber, which nominations were received by the Senate and appeared in the Congressional Record of May 2, 2002.

PN1761 Navy nomination of Gregory K. Copeland, which was received by the Senate and appeared in the Congressional Record of May 13, 2002.

PN1762 Navy nomination of Stephen G. Krawczyk, which was received by the Senate and appeared in the Congressional Record of May 13, 2002.

COMMEMORATING INDEPENDENCE OF EAST TIMOR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 401, S. Con. Res. 109.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 109) commemorating the independence of East Timor and expressing the sense of Congress that the President should establish diplomatic relations with East Timor, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Foreign Relations with an amendment, an amendment to the preamble, and an amendment to the title, as follows:

[Omit the parts in black brackets, and insert the parts printed in italic.]

S. CON. RES. 109

[Whereas on May 20, 2002, East Timor will become the first new country of the millennium;

[Whereas the perseverance and strength of the East Timorese people in the face of daunting challenges has inspired the people of the United States and around the world;

[Whereas in 1974 Portugal acknowledged the right of its colonies, including East Timor, to self-determination, including independence;

[Whereas East Timor has been under United Nations administration since October, 1999, during which time international peace-keeping forces, supplemented by forces of the United States Group for East Timor (USGET), have worked to stabilize East Timor and provide for its national security;

[Whereas the people of East Timor exercised their long-sought right of self-determination on August 30, 1999, when 98.6 percent of the eligible population voted, and 78.5 percent chose independence, in a United Nations-administered popular consultation, despite systematic terror and intimidation;

[Whereas a constitution for East Timor was adopted in March, 2002;

[Whereas East Timor is emerging from more than 400 years of colonization–and occupation;

[Whereas the East Timorese people again demonstrated their strong commitment to democracy when 91.3 percent of eligible voters peacefully participated in East Timor's first democratic, multiparty election for a Constituent Assembly on August 30, 2001, and when 86.3 percent of those eligible participated in the first presidential election on April 14, 2002, electing Xanana Gusamo as their first President;

[Whereas, as the people of East Timor move proudly toward independence, many still struggle to recover from the scars of the military occupation and 1999 anti-independence violence that resulted in displacement which, according to United Nations and other independent reports, exceed 500,000 in number, and widespread death, rape and other mistreatment of women, family separation, large refugee populations, and the destruction of 70 percent of the country's infrastructure;

[Whereas efforts are ongoing by East Timorese officials and others to seek justice for the crimes against humanity and war crimes that have been perpetrated in recent years, efforts that include the work of the Serious Crimes Investigation Unit of the United Nations and the East Timorese Commission for Reception, Truth, and Reconciliation to document and assess responsibility;

[Whereas Indonesian National Human Rights Commission and United Nations Security Council recommendations to investigate and prosecute senior Indonesian military and civilian officials for their roles in promoting the 1999 anti-independence violence in East Timor have not yet been fully implemented;

[Whereas, although the people of East Timor are working toward a plan for vigorous economic growth and development, the Government of East Timor will face a substantial shortfall in its recurrent and development budgets over the first 3 years of independence, and is seeking to fill the gap entirely with grants from donor countries; and

[Whereas a large percentage of the population of East Timor lives below the poverty line, with inadequate access to health care and education, the unemployment rate is estimated at 80 percent, and the life expectancy is only 57 years: Now, therefore, be it]

Whereas on May 20, 2002, East Timor became the first new country of the millennium;

Whereas the perseverance and strength of the East Timorese people in the face of daunting challenges has inspired the people of the United States and around the world;

Whereas in 1974 Portugal acknowledged the right of its colonies, including East Timor, to self-determination, including independence;

Whereas East Timor was under United Nations administration from October 1999 through May 19, 2002, during which time international peace-keeping forces, supplemented by forces of the United States Group for East Timor (USGET), have worked to stabilize East Timor and provide for its national security;

Whereas the people of East Timor exercised their long-sought right of self-determination on August 30, 1999, when 98.6 percent of the eligible population voted, and 78.5 percent chose independence, in a United Nations-administered popular consultation, despite systematic terror and intimidation;

Whereas a constitution for East Timor was adopted in March, 2002;

Whereas East Timor is emerging from more than 400 years of colonization and occupation;

Whereas the East Timorese people again demonstrated their strong commitment to democracy when 91.3 percent of eligible voters peacefully

participated in East Timor's first democratic, multiparty election for a Constituent Assembly on August 30, 2001, and when 86.3 percent of those eligible participated in the first presidential election on April 14, 2002, electing Xanana Gusamo as their first President;

Whereas, as the people of East Timor move proudly toward independence, many still struggle to recover from the scars of the military occupation and 1999 anti-independence violence that resulted in displacement which, according to United Nations and other independent reports, exceed 500,000 in number, and widespread death, rape and other mistreatment of women, family separation, large refugee populations, and the destruction of 70 percent of the country's infrastructure;

Whereas efforts are ongoing by East Timorese officials and others to seek justice for the crimes against humanity and war crimes that have been perpetrated in recent years, efforts that include the work of the Serious Crimes Investigation Unit of the United Nations and the East Timorese Commission for Reception, Truth, and Reconciliation to document and assess responsibility;

Whereas Indonesian National Human Rights Commission and United Nations Security Council recommendations to investigate and prosecute senior Indonesian military and civilian officials for their roles in promoting the 1999 anti-independence violence in East Timor have not yet been fully implemented;

Whereas, although the people of East Timor are working toward a plan for vigorous economic growth and development, the Government of East Timor will face a substantial shortfall in its recurrent and development budgets over the first 3 years of independence, and is seeking to fill the gap entirely with grants from donor countries; and

Whereas a large percentage of the population of East Timor lives below the poverty line, with inadequate access to health care and education, the unemployment rate is estimated at 80 percent, and the life expectancy is only 57 years: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

⟦That (a) Congress—

⟦(1) congratulates and honors the courageous people of East Timor and their leaders;

⟦(2) welcomes East Timor into the community of nations as a sovereign state and looks forward to working with East Timor as an equal partner;

⟦(3) supports United Nations and other multilateral efforts to support reconstruction and development in East Timor, and United Nations and other multilateral peacekeeping forces to safeguard East Timor's security, including continuing the periodic visits by United States military forces;

⟦(4) remains committed to working toward a debt-free start to East Timor and just, sustainable, and secure development programs as well as adequate resources for the judicial system for East Timor for the foreseeable future beyond independence;

⟦(5) expresses continued concern over deplorable humanitarian conditions and an environment of intimidation among the East Timorese refugees living in West Timor;

⟦(6) strongly supports the prompt, safe, and voluntary repatriation and reintegration of East Timorese refugees, in particular those East Timorese still held in militia-controlled refugee camps in West Timor, especially children separated from their parents through coercion or force;

⟦(7) expresses a commitment to maintaining appropriate restrictions and prohibitions in law on military assistance, training, relations, and technical support to the Indonesian Armed Forces; and

⟦(8) acknowledges that a United Nations International Commission of Inquiry found in January 2000 that justice is ''fundamental for the future social and political stability of East Timor'', and remains deeply concerned about the lack of justice in the region.

⟦(b) It is the sense of Congress that the President should—

⟦(1) immediately extend to East Timor the diplomatic relations afforded to other sovereign nations, including the establishment of an embassy in East Timor;

⟦(2) maintain a robust level of United States assistance for East Timor commensurate with the challenges this new nation faces after independence;

⟦(3) work to fund in a generous and responsible way East Timor's financing gap in its recurrent and development budgets, and coordinate with other donors to ensure the budget gap is addressed;

⟦(4) focus bilateral assistance on the areas of employment creation, job training, rural reconstruction, micro-enterprise, environmental protection, health care, education, refugee resettlement, reconciliation and conflict resolution, and strengthening the role of women in society;

⟦(5) strongly urge the Government of Indonesia to step up efforts to disarm and disband all militia, hold them accountable to the rule of law, ensure stability along the border, and promptly reunite East Timorese children separated from their parents through coercion or force; and

⟦(6) review thoroughly information from the East Timorese Commission for Reception, Truth, and Reconciliation, and use all diplomatic resources at the disposal of the President to ensure that—

⟦(A) those officials responsible for crimes against humanity and war crimes against the East Timorese people are held accountable; and

⟦(B) the Government of Indonesia fully cooperates with the East Timorese judicial system.⟧

That (a) Congress—

(1) congratulates and honors the courageous people of East Timor and their leaders;

(2) welcomes East Timor into the community of nations as a sovereign state and looks forward to working with East Timor as an equal partner;

(3) supports United Nations and other multilateral efforts to support reconstruction and development in East Timor, and United Nations and other multilateral peacekeeping forces to safeguard East Timor's security, including continuing the periodic visits by United States military forces;

(4) remains committed to working toward a debt-free start to East Timor and just, sustainable, and secure development programs as well as adequate resources for the judicial system for East Timor for the foreseeable future beyond independence;

(5) expresses continued concern over deplorable humanitarian conditions and an environment of intimidation among the East Timorese refugees living in West Timor;

(6) strongly supports the prompt, safe, and voluntary repatriation and reintegration of East Timorese refugees, in particular those East Timorese still held in militia-controlled refugee camps in West Timor, especially children separated from their parents through coercion or force; and

(7) acknowledges that a United Nations International Commission of Inquiry found in January 2000 that justice is ''fundamental for the future social and political stability of East Timor'', and remains deeply concerned about the need to address those findings.

(b) It is the sense of Congress that the President should—

(1) maintain an appropriate level of United States assistance for East Timor commensurate with the challenges this new nation faces after independence;

(2) work to fund in a generous and responsible way East Timor's financing gap in its recurrent and development budgets, and coordinate with other donors to ensure the budget gap is addressed;

(3) focus bilateral assistance on the areas of employment creation, job training, rural reconstruction, micro-enterprise, environmental protection, health care, education, refugee resettlement, reconciliation and conflict resolution, and strengthening the role of women in society;

(4) strongly urge the Government of Indonesia to step up efforts to disarm and disband all militia, hold them accountable to the rule of law, ensure stability along the border, and promptly reunite East Timorese children separated from their parents through coercion or force; and

(5) review thoroughly information from the East Timorese Commission for Reception, Truth, and Reconciliation, and use all diplomatic resources at the disposal of the President to ensure that—

(A) those officials responsible for crimes against humanity and war crimes against the East Timorese people are held accountable; and

(B) the Government of Indonesia fully cooperates with the East Timorese judicial system.

Amend the title so as to read: ''Concurrent resolution commemorating the independence of East Timor, and for other purposes.''.

Mr. REID. Mr. President, I ask unanimous consent that the substitute amendment be agreed to; that the concurrent resolution, as amended, be agreed to; that the amendment to the preamble be agreed to; that the preamble, as amended, be agreed to; that the amendment to the title be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The concurrent resolution (S. Con. Res. 109), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The amendment to the title was agreed to.

EXPRESSING SENSE OF SENATE CONCERNING 2002 WORLD CUP

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 400, S. Res. 274.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 274) expressing the sense of the Senate concerning the 2002 World Cup and co-hosts Republic of Korea and Japan.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 274) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 274

Whereas the United States maintains vitally important alliances with Japan and the Republic of Korea;

Whereas the Republic of Korea and Japan will co-host the 2002 Federation International Football Association (FIFA) World Cup Korea/Japan;

Whereas the 2002 FIFA World Cup will be the first World Cup to be co-hosted by two nations;

Whereas the 2002 FIFA World Cup Korea/Japan will be the first FIFA World Cup to be held in Asia;

Whereas for 72 years, the World Cup has symbolized the assemblage of nations to celebrate fair-play, sportsmanship, and diversity of cultures;

Whereas 32 nations, including the United States, have qualified to compete from May 31 through June 30 of 2002, and will send an estimated 1,500 coaches and athletes to the Republic of Korea and Japan, making this year's World Cup the largest heretofore;

Whereas Japan and the Republic of Korea have invested significant resources to host a successful World Cup; and

Whereas the co-hosting of this international sporting event measures cooperation and contributes to peace and stability in Northeast Asia: Now, therefore, be it

Resolved, That the Senate—

(1) appreciates and values the relationship between the United States and the Republic of Korea and the United States and Japan;

(2) commends 2002 FIFA World Cup organizers from Japan and the Republic of Korea for the significant preparations they have made for a successful World Cup; and

(3) recognizes and applauds the cooperation between the President of the Republic of Korea, Kim Dae-jung, and the Prime Minister of Japan, Junichiro Koizumi, in the hosting of the largest World Cup competition in the history of the sport.

RECOGNITION OF SACRIFICE AND DEDICATION OF ARMED FORCES AND CIVILIAN NATIONAL SECURITY AGENCIES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 278, which was submitted earlier today by Senators LOTT and HELMS.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 278) calling upon all Americans to recognize on this Memorial Day, 2002, the sacrifice and dedication of our Armed Forces and civilian national security agencies.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 278) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 278

Whereas, in Afghanistan and elsewhere, members of our Armed Forces and civilian national security agencies are today fighting and dying to keep Americans safe and free from terrorist attacks;

Whereas, the American defenders of democracy who have given their lives in Afghanistan and elsewhere, joined in eternal life those who were murdered by terrorists in New York, Pennsylvania, and Virginia on September 11, 2001, on the USS COLE, at the Khobar Towers, at the American Embassies in Nairobi and Dar es Salaam, and in other unprovoked sneak attacks;

Whereas it is fitting and essential on this Memorial Day, 2002, to remember the sacrifices made by these defenders who now lie in hallowed ground throughout the world;

Whereas, living under the threat of further terrorist attacks on this day, Americans everywhere are called upon to realize that the members of our Armed Forces and civilian national security agencies live with this threat every day that they serve and answer the call to duty;

Whereas, like all important conflicts, the war against terrorism is prosecuted daily in small engagements by courageous volunteers, far from home, against a deadly and elusive enemy;

Whereas the members of our Armed Forces and civilian national security agencies have displayed capability, determination, and valor that has shocked and surprised America's terrorist enemies; and

Whereas the continuing success of our forces has resulted in the steady, inexorable eradication of terrorists whose inveterate hostility to our liberty and way of life continues unabated: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Americans everywhere should, on Memorial Day, 2002, observe a National Moment of Remembrance at 3 p.m. local time and raise a hand in salute to those members of our Armed Forces and civilian national security agencies, near and far, who have answered the call of duty and willingly placed themselves in harm's way on our behalf; and

(2) this should be done as an expression of the respect, pride, and admiration felt by every American and by every person liberated through the courageous sacrifice and valiant toil of the forces of the United States and its allies in this noble struggle.

JACOB K. JAVITS SENATE FELLOWSHIP PROGRAM

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 279 submitted earlier today by the majority and Republican leaders.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 279) to modify the funding of the Jacob K. Javits Senate Fellowship Program.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 279) was agreed to, as follows:

S. RES. 279

Resolved,

SECTION 1. MODIFICATION TO FUNDING OF JACOB K. JAVITS SENATE FELLOWSHIP PROGRAM.

Section 5 of the Jacob K. Javits Senate Fellowship Program Resolution (Senate Resolution 193, 106th Congress, agreed to September 30, 1999), is amended by striking ''$250,000'' and inserting ''$350,000''.

AUTHORIZING USE OF CAPITOL GROUNDS FOR GREATER WASHINGTON SOAP BOX DERBY

Mr. REID. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H. Con. Res. 356, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 356) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 356) was agreed to.

ORDERS FOR MONDAY, JUNE 3, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of S. Con. Res. 118 until 1 p.m., Monday, June 3; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period for morning business until 2 p.m., with the Senators permitted to speak for up to 10 minutes each; further, at 2 p.m. the Senate proceed under the previous consent; further, that if the House fails to adopt S. Con. Res. 118, the Senate convene Monday, May 27, at 10 a.m. for a pro forma session only and then adjourn until Thursday, May 30, at 10 a.m. for a pro forma session only and then adjourn until Monday, June 3, at 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

A JOB WELL DONE

Mr. REID. Mr. President, the Senate has been able to accomplish a great

deal this week. The two managers of the trade bill worked very hard. This has been a complicated bill with very technical issues.

The Presiding Officer, of course, is a member of the Finance Committee and has better knowledge of that than most of us, but for most Members of the Senate this is a difficult issue because it does deal with matters under the exclusive jurisdiction of the Finance Committee. In spite of that, we were able to move through this quite well. There were some procedural problems that we always have postcloture, but I think we were able to do a good job.

While the Presiding Officer is in the Chamber, I express the appreciation of the entire Senate for the work that he does that goes unnoticed and is so important. The Presiding Officer is chairman of the Intelligence Committee. Again, there are a very select number of people who serve on that very small committee. Most of the work that is done is in total secrecy. There is not a lot of press around. Evidence is being taken and testimony is being given.

So we rely on you very heavily, and on the Intelligence Committee. One member of the Intelligence Committee tonight indicated to me he was traveling to South America for obvious reasons. There are a lot of problems in South America in which members of the Intelligence Committee are involved. While many members are entitled to the same information that the chairman of the committee gets all the time, we don't do that. That is not within our scope of duties. So we have to depend on the chairman. It is a rare occasion when we get a briefing from the intelligence community. It does happen. But for the Presiding Officer, it happens all the time, every day.

For example, I tried—because we had matters going on here on the Senate floor yesterday on an important issue—to get ahold of a member of the Intelligence Committee and could not do that because once in the committee you do not take your telephones, your beepers, your blackberries. You take none of that. You are away from your staff, except those members of the Intelligence Committee, and you are out of touch with what is going on here.

On behalf of the entire Senate, I appreciate the inordinate amount of time spent on these matters for these people of Nevada, the people of Florida and the whole country. I want that appreciation spread over the country.

PROGRAM

Mr. REID. There will be no rollcall votes on Monday. When we return, we hope to begin consideration of the supplemental appropriations bill.

ADJOURNMENT UNTIL 1 P.M. MONDAY, JUNE 3, 2002

Mr. REID. I ask unanimous consent that the Senate stand in adjournment, as there is no further business to come before the Senate, under the provisions of S. Con. Res. 118.

There being no objection, the Senate, at 10:01 p.m., adjourned until Monday, June 3, 2002, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate May 23, 2002:

SECURITIES INVESTOR PROTECTION CORPORATION

ARMANDO J. BUCELO, JR., OF FLORIDA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2002, VICE DEBORAH DUDLEY BRANSON, TERM EXPIRED.

ARMANDO J. BUCELO, JR., OF FLORIDA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2005. (REAPPOINTMENT)

FEDERAL HOUSING FINANCE BOARD

DIANA E. FURCHTGOTT-ROTH, OF MARYLAND, TO BE DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2004, VICE J. TIMOTHY O'NEIL, TERM EXPIRED.

SECURITIES AND EXCHANGE COMMISSION

HARVEY JEROME GOLDSCHMID, OF NEW YORK, TO BE MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE TERM EXPIRING JUNE 5, 2004, VICE NORMAN S. JOHNSON, TERM EXPIRED.

NATIONAL LABOR RELATIONS BOARD

PETER SCHAUMBER, OF THE DISTRICT OF COLUMBIA, TO BE MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2005, VICE JOSEPH ROBERT BRAME, III, TERM EXPIRED.

DEPARTMENT OF JUSTICE

RANDALL DEAN ANDERSON, OF UTAH, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF UTAH FOR THE TERM OF FOUR YEARS. (REAPPOINTMENT)

MIRIAM F. MIQUELON, OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF ILLINOIS, VICE WALTER CHARLES GRACE, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. EDWARD SORIANO, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CHARLES C. CAMPBELL, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID D. MCKIERNAN, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate May 23, 2002:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. THOMAS S. BAILEY, JR.
COL. RUSSELL J. KILPATRICK
COL. DAVID G. YOUNG III

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. THOMAS L. ANDREWS III

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. MICHAEL A. DUNN
COL. ERIC B. SCHOOMAKER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL ALAN D. BELL
BRIGADIER GENERAL JAMES A. CHEATHAM
BRIGADIER GENERAL CHARLES E. GORTON
BRIGADIER GENERAL ROBERT L. HEINE
BRIGADIER GENERAL LAWRENCE J. JOHNSON
BRIGADIER GENERAL DAVID E. KRATZER
BRIGADIER GENERAL DENNIS J. LAICH
BRIGADIER GENERAL COLLIS N. PHILLIPS

To be brigadier general

COLONEL STEVEN R. ABT
COLONEL RITA M. BROADWAY
COLONEL MICHAEL J. DIAMOND
COLONEL JAMES P. EGGLETON
COLONEL ROSEMARY R. LOPER
COLONEL JOHN Y. H. MA
COLONEL MATTHEW C. MATIA
COLONEL MICHAEL W. MEANS
COLONEL JAMES E. PAYNE III
COLONEL ROBERT A. POLLMANN
COLONEL JAMES W. RAFFERTY
COLONEL JAMES F. REYNOLDS
COLONEL THOMAS D. ROBINSON
COLONEL JOSE M. ROSADO
COLONEL DEAN G. SIENKO
COLONEL JAMES L. SNYDER

AIR FORCE NOMINATION OF DONALD W. PITTS.

ARMY NOMINATIONS BEGINNING GARRY F ATKINS AND ENDING DARYL L SPENCER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2001.

ARMY NOMINATIONS BEGINNING MICHAEL T BRADFIELD AND ENDING RICHARD R YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 13, 2002.

ARMY NOMINATIONS BEGINNING SHAIN BOBBITT AND ENDING BARBARA LOCKBAUM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2002.

ARMY NOMINATION OF CHRISTIAN E. DEGRAFF.

ARMY NOMINATION OF CHES H. GARNER.

ARMY NOMINATION OF DAVID S. OESCHGER.

ARMY NOMINATIONS BEGINNING MARK C. DUGGER AND ENDING JAMES E. MOUNTAIN, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2002.

MARINE CORPS NOMINATION OF MICHAEL J. COLBURN.

MARINE CORPS NOMINATION OF WILLIAM P. MCCLANE.

MARINE CORPS NOMINATIONS BEGINNING NEIL G ANDERSON AND ENDING WESLEY L WOOLF, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2002.

MARINE CORPS NOMINATIONS BEGINNING JOHN F AHERN AND ENDING LARRY E ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 29, 2002.

MARINE CORPS NOMINATION OF WADE V. DELIBERTO.

MARINE CORPS NOMINATIONS BEGINNING JOHN J. JACKSON AND ENDING RICHARD L. WEST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 8, 2002.

MARINE CORPS NOMINATION OF MARK D. TOBIN.

MARINE CORPS NOMINATION OF ROBERT T. MAXEY.

MARINE CORPS NOMINATION OF CHARLES G. GROW.

MARINE CORPS NOMINATIONS BEGINNING DAVID L. COMFORT AND ENDING PATRICK K. WYMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2002.

MARINE CORPS NOMINATIONS BEGINNING JOSEPH R. BOEHM AND ENDING GABRIEL J. TORRES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2002.

MARINE CORPS NOMINATIONS BEGINNING MICHAEL P. DANHIRES AND ENDING CHARLES E. PARHAM, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2002.

MARINE CORPS NOMINATIONS BEGINNING ANTHONY M. BROOKER AND ENDING JESSE MCRAE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2002.

MARINE CORPS NOMINATIONS BEGINNING STEFAN GRABAS AND ENDING CHARLES L. THRIFT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2002.

MARINE CORPS NOMINATIONS BEGINNING ALONZO H. MAYS AND ENDING JOHN D. PAULIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2002.

MARINE CORPS NOMINATIONS BEGINNING JODY D. PAULSON AND ENDING ELLEN P. TIPPETT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2002.

MARINE CORPS NOMINATIONS BEGINNING DEBORAH A. PEREIRA AND ENDING JOYCE V. WOODS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 13, 2002.

NAVY NOMINATION OF JAMES E. RUSSELL.

NAVY NOMINATION OF LYDIA R. ROBERTSON.

NAVY NOMINATION OF MARC J. GLORIOSO.

NAVY NOMINATIONS BEGINNING JACK S PIERCE AND ENDING THOMAS B WEBBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 2, 2002.

NAVY NOMINATION OF GREGORY K. COPELAND.

NAVY NOMINATION OF STEPHEN G. KRAWCZYK.